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# TOWN OF YOUNTVILLE ZONING ORDINANCE NO. 174

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**ZONING ORDINANCE  
OF THE  
TOWN OF YOUNTVILLE**

Adopted on

April 1, 1986

Prepared By

Town of Yountville

In Consultation With

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## ARTICLE I GENERAL PROVISIONS

### SECTION 101 CITATION

This ordinance shall be known and cited as the Zoning Ordinance of the Town of Yountville or as this Ordinance No. 174.

### SECTION 102 ADOPTION OF ZONING PLAN

There is hereby adopted a precise zoning plan for the Town of Yountville, said zoning plan being a detailed plan consistent with and based on the adopted General Plan for said Town and said zoning plan consisting of the establishment of various districts within which certain regulations shall be in effect, as set forth in this ordinance. The regulations specified in this ordinance shall be subject to the general provisions and exceptions as set forth in this Article.

### SECTION 103 PURPOSES OF ZONING PLAN

This Ordinance is adopted to promote, protect and preserve the public health, safety, peace, morals and general welfare, and for the accomplishment thereof is adopted, among other purposes, for the following more particularly specified purposes:

- a) To guide, control and regulate the future growth and development of the Town in accordance with the adopted General Plan of the Town.
- b) To protect the established character of and to enhance the social and economic stability of agricultural, residential, commercial, industrial and other areas within the Town, and to assure the orderly and beneficial development thereof as parts of a well-coordinated community.
- c) To promote excellence and originality of design in all future developments in order to preserve both the internal beauty and established character of the areas within the Town.

### SECTION 104 DESIGNATION OF DISTRICTS

The zoning plan consists of the establishment of various districts within the incorporated territory of the Town within some, all, or none of which it shall be lawful, and within some, all, or none of which it shall be unlawful to erect, construct, alter, move, locate or maintain certain buildings or to carry on certain trades or occupations or to conduct certain uses of land or of buildings; within which certain open spaces

shall be required about future buildings and consisting further of appropriate regulations to be enforced in such districts, all as set forth in this ordinance.

#### **SECTION 105      NON-CONFORMING BUILDINGS:    A PUBLIC NUISANCE**

Any building set up, erected, built, or moved and/or any use of property contrary to the provisions of this Ordinance shall be and the same is hereby declared to be unlawful and a public nuisance, and the Town Attorney shall, upon order of the Town Council, immediately commence action or proceedings for the abatement and removal and enjoinder therefore in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person from setting up erecting, building, or moving any such building or using any property contrary to the provisions of this ordinance.

#### **SECTION 106      REMEDIES**

All remedies provided for herein shall be cumulative and not exclusive.

#### **SECTION 107      PENALTIES FOR VIOLATIONS**

Any persons whether as principal, agent, employee or otherwise, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the Napa County Jail for a term not to exceed six (6) months, or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which such violation of this ordinance is committed, continued or permitted by such person and shall be punishable as herein provided.

#### **SECTION 108      NON-CONFORMING PERMITS VOID**

All departments, officials and public employees of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance and any such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

#### **SECTION 109      SEPARABILITY**

If any Article, Section, sentence, clause or phrase of this Ordinance is for any reason declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

## **SECTION 110      DEFINITIONS**

Section 110.1 Generally. Words used in the present tense include the future, words in the singular number include the plural, and the words in the plural number include the singular; the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. The term "Town Council" when used shall mean the Town Council of the Town of Yountville. The word "Town" when used shall mean the incorporated Town of Yountville.

### **Accessory Building**

A detached subordinate building, other than an approved second residential unit, the use of which is incidental to that of the main building on the same lot, or to the use of the land.

### **Accessory Use**

The performance of any function or operation, or the existence of any building which is incidental or subordinate to the principal.

### **Alley**

A public or permanent private way intended primarily to provide a secondary means of access to abutting properties.

### **Alteration**

An enlargement, addition, relocation, repair, remodeling, or change in the number of dwelling units or rooming units; development of or change in the open area; development of or change in a sign by painting or otherwise; or change in facility, but excluding painting except as provided above for signs, and excluding ordinary maintenance for which no building permit is required; and demolition or removal of any facility.

### **Apartment**

One or more rooms in an apartment house intended or designed to be occupied by one family for living and sleeping purposes and containing kitchen and bath facilities.

### **Average Density per Net Acre**

A measure of the intensity of residential development, determined by dividing the total number of dwelling units on the lot or development area by the total number of acres, excluding therefrom the area devoted to streets and parks.

### **Average Density per Gross Acre**

A measure of the intensity of residential development, determined by dividing the total number of dwelling units on the lot or development area by the total number of acres of the lot.

**Building**

Any structure having a roof supported by columns or walls.

**Building Coverage**

The land area covered by all buildings on a lot, including all projections except eaves.

**Building Height**

The vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, ridge or parapet wall on the main building.

**Building Site**

The land area occupied by or capable of being covered by all structures permissable under this ordinance.

**Character**

This term refers to the distinguishing features or attributes of a particular area or a particular place within an area.

**Character of Development**

This term refers to the extent that a particular development promotes, augments, and maintains the character of an area or a particular place within an area. For example, Old Town has a historical character which is manifested in architectural styles from past eras. New development in this area would need to reflect past styles in order to maintain the character of the area; whereas a modernistic style building would disrupt the character of this area thus precipitating a break in the continuity and character of past eras.

**Corner Lot**

A lot located at the intersection of two or more streets or private ways, or bounded on two or more adjacent sides by street lines.

**Could**

This term indicates a prerogative, possibility, or contingency; it is not mandatory.

**Day Care Center**

A State authorized, certified or residential day care facility serving children, of which the majority of the children are not related to the provider and which said care is conducted as a business.

## **Density**

A measure of intensity of a development determined by dividing the total number of units on a particular lot by the number of acres of the given lot.

## **Display Surface**

The area of a sign without a border placed on the wall of a building shall be computed by enclosing the entire sign within sets of parallel lines touching the outer limits of the sign message and computing the area thus enclosed. The area of other signs shall be calculated by adding the outer dimensions of all faces capable of presenting a sign message including the standard and the frame.

## **Driveway**

The surfaced area providing access from a road to an off-street parking area, including a garage or carport.

## **Dwelling Unit**

A building or portion thereof containing but one kitchen, designed and/or used for occupancy by one family.

## **Extensive Impact**

Uses that may have a widespread impact including but not limited to excessive noise, light, traffic circulation, disruption, vibrations, airborne emissions or liquid effluent associated with operations.

## **Family**

One or more persons related by blood, marriage or legal adoptions, or a group not exceeding four persons living as a single housekeeping unit.

## **Floor Area**

The sum of the gross areas of the several floors of a building or buildings, including usable basements and cellars, measured from the exterior faces of exterior walls or from the center lines of party walls separating such buildings. Floor area excludes the following:

- a) Uncovered areas used for off-street parking spaces or loading areas, and access ways and maneuvering aisles relating thereto.
- b) Areas which qualify as useable open space under the Town-wide regulations of this Ordinance.
- c) In the case of non-residential facilities: arcades, patios, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

### **Floor Area Ratio (FAR)**

This term refers to the gross floor area of a building or buildings on the zoning plot divided by the area of such zoning plot. The resulting figure, expressed as a ratio, reflects the allowable structural density. For example, a 1.0 FAR could provide for a one story building that covers the entire lot or a two story building that covers half the lot. A 1.0 FAR would allow 10,000 square feet of floor area on a 10,000 square foot lot.

### **Frontage**

The dimension of a lot or portion thereof abutting on a street, except the side of a corner lot.

### **Garage**

A structure, designed and/or used for the shelter or storage of motor vehicles by the occupants of a dwelling, including covered parking spaces and subject to all requirements and restrictions thereof unless separated from the main building as required for a detached garage.

### **Gross Acre**

This term refers to the entire portion of an acre including developable and undevelopable portions.

### **Handicraft Industries**

Production by hand or with the assistance of hand tools for sale of commercial goods, including without limitation leather products, quilts, woven rugs, candles, jewelry and silverware.

### **Home Occupation**

Any conduct, in a residence, and carried on by an inhabitant thereof, of an art or profession, the offering of a service or the conduct of a business, or the handicraft manufacture of products, which is an accessory use so located and conducted that the average residential neighbor, under normal circumstances, would not be aware of its existence, but not including the keeping for sale of a stock-in-trade other than productions manufactured on the premises.

### **Hotel, Motel and Inn**

Any building where lodging is offered to the public for compensation for any period less than thirty days. These uses are commercial uses in the context of this ordinance.

### **Intensity**

A term used to indicate the degree of concentration, amount of activity and lot coverage associated with a particular type of land use.

**Loading Area**

An off-street area on the same lot as a building or contiguous to a group of buildings or the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street, alley, or other appropriate accessway.

**Lot**

A parcel of land under one ownership which constitutes, or is to constitute, a complete and separate functional unit of development, and which does not extend beyond the property lines along streets or alleys and has permanent access to a street or alley.

**Lot Area**

The total horizontal area included within lot lines.

**Lot Line**

The lines bounding a lot as defined herein.

**Lot Line, Front**

On an interior lot: any abutting street line. On a corner lot: the shorter of any adjacent two abutting street lines. However, if such street lines, or portions thereof, are equal in length, the owner or developer of the lot may select either as the front lot line. If adjacent street lines, or portions thereof, of a corner lot intersect at an angle of less than 45 degrees, both such street lines or portions thereof shall be deemed front lot lines.

**Lot Line, Rear**

A lot line which is opposite and most distant from the front lot line and in case of an irregular or triangular shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

**Main Building**

A building in which is conducted the principal or conditional use of the lot upon which it is situated.

**Marquee**

A permanent roofed structure attached to and supported by a building and projecting over any public property, street, alley or sidewalk.

**Maximum Allowable Residential Density**

The maximum number of dwelling units per gross acre permitted in the district.

**Net Acre**

This is the developable portion of an acre that remains after provisions for roadways and agricultural and environmental features that are to be preserved, have been subtracted from the gross acre.

**Non-Conforming Use**

A use which lawfully occupied a building or was conducted upon land at the time this Ordinance became effective and which does not comply with the use regulations of the district in which it is located.

**One Ownership**

Ownership of a parcel or contiguous parcels of property or possession thereof under a contract to purchase by a person when such property is under single or unified control.

**Open Space**

Any front, side or rear yards, courts, usable open space or area not covered by buildings, provided in order to meet the requirements of this ordinance.

**Owner**

The person exercising one ownership.

**Parking Lot**

An off-street open area or portion thereof solely for the parking of passenger vehicles. Such an area or portion thereof shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Ordinance for any building or use, and whether classified as an accessory, principal or conditional use.

**Parking Space**

A stall covered or uncovered, laid out for, surfaced, and used or designed to be used by motor vehicle parking.

**Person**

Any person, firm, corporation, partnership, trust or business association.

**Planning Officer**

The Town Council acting in the capacity of a Planning Officer, or any person employed or retained by the Town and designated by the Town Council to perform the duties specified in this Ordinance.

## **Rest Home**

The premises used for the housing of and caring for the aged or infirm, which premises require a license from the State or County. There shall be only incidental convalescent care not involving a physician residing on the premises. There shall be no surgery or other similar activities such as are customarily provided in sanitariums and hospitals.

## **Scale of Development**

This term refers to the degree to which a new development provides, maintains and promotes continuity in terms of height, bulk, intensity and density with respect to its relationship with surrounding land uses.

## **Second Residential Unit**

A dwelling unit which may be offered for rent which provides complete independent living facilities for one or more persons and which is located on a lot containing a larger single-family dwelling unit.

## **Setback Line**

A line established by this Ordinance to govern the placement of buildings with respect to streets and alleys.

## **Setbacks**

Front Setback is a line parallel to the street which separates the minimum distance from the street that a building may be built which results in regulating the size of front yards. Side Setback is a line parallel to the adjacent property line which stipulates the minimum distance that a building may be built from the property line which results in regulating the size of side yards. Rear Setback is a line parallel to the property line at the back of a lot or alleyway, which stipulates the minimum distance from the rear property line that a building may be built which results in regulating the size of rear yards.

## **Shall**

This term is used as a directive and indicates obligation, requirement, unequivocal direction or compulsion.

## **Should**

This term indicates obligation or requirement and is slightly less rigid of a directive than shall.

## **Sign**

Anything used for the purpose of advertising, announcing, declaring, displaying, or demonstrating a service, product, business, or activity, or of attracting the attention of the public for the same.

**Street**

A public thoroughfare including public roads and/or highways, but excluding an alley, which affords a primary means of access to abutting property.

**Structure**

Anything constructed or erected the use of which requires location on the ground or attachment of something having location on the ground.

**Structural Alterations**

Any change in the supporting members of a building, such as the bearing walls, columns, beams or grids.

**Use**

The purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

**Usable Open Space**

Outdoor area on ground, roof, balcony, deck or porch which is designed and accessible for outdoor living, and recreation.

**Will**

This term, used as a verb, indicates a requirement or an emphatic condition of a requirement; used as a directive; mandatory.

**Yard**

Unobstructed land except for such encroachments as may be permitted by this Ordinance, surrounding a building site.

**Yard, Front**

A yard extending across the full width of a lot, measured between the street line (or the lot line connected to a street by legal access), and the nearest line of the main building or enclosed or covered porch. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

**Yard, Side**

A yard on each side of the building extending from the front yard to the rear lot line, the width of each yard being measured between the sideline of the lot and the nearest part of the main building or enclosed or covered porch.

## **Yard, Rear**

A yard extending across the full width of the lot and the rear line of the main building or enclosed porch nearest the rear line of the lot.

## **Zoning and Design Review Board**

This is a separate body created by the Town Council which discusses planning matters in public session, considers public comments and offers advice to the Town Council. This board consists of five (5) unpaid members all of whom shall be Town residents and none whom shall be Town Officers, employees or members of the Town Council.

## **SECTION 111 REGULATIONS MINIMAL**

In interpreting and applying the provisions of this Ordinance, unless otherwise stated, they shall be held to be the minimum requirements for the promotion of the safety, health, and the general welfare.

## **SECTION 112 CONFLICT WITH OTHER REGULATIONS**

Where conflict occurs between the regulations of this Ordinance and the building code or other regulations effective within the Town the more restrictive of any such regulations shall apply.

It is not intended that this Ordinance shall interfere with or abrogate or annul any easements, covenants or other agreements now in effect, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall apply.

## **SECTION 113 REPEALS**

The following Ordinances of the Town of Yountville are hereby repealed: Ordinance Numbers: 97, 101, 104, 116, 118, 123, 128, 131, 132, 144, 145, 146, 150, 151, 154, 157, 163, 168, 169 and all ordinances and portions thereof in conflict herewith.



## ARTICLE II ZONING DISTRICTS

### SECTION 201 DESIGNATION OF GENERAL DISTRICT

The several classes of general districts hereby and into which the Town is divided are designated as follows:

A	Agricultural District
RMPH	Retained Master-Planned Residential
R-1	Single Family Residential District
LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
MD-MHP	Medium Density Mobile Home Park
H	Old Town Historical District
C	Commercial District
RMPC	Retained Master-Planned Commercial
P-F	Public Facilities District
CC	Creekside Combining District
FC	Floodplain Combining District

### SECTION 202 BOUNDARIES SHOWN ON MAP

The boundaries of districts shall be shown upon the zoning map of the Town of Yountville. The map, and all amendments, changes and extensions thereof, and all legends, symbols, notations, references and other matters shown thereon shall be a part of this ordinance and shall constitute Section 203 hereof.

### SECTION 203 ZONING MAPS

The zoning map of the Town of Yountville referred to in this Section, the original of which is on file with the Town Clerk. A reduced copy of the map can be found at the end of this code.

### SECTION 204 RULES GOVERNING USE OF ZONING MAP AND SYMBOLS

Where uncertainty exists as to the boundaries of any district shown on the zoning map, the following rules shall apply:

- a) Where such boundaries are indicated as approximately following street and alley lines, such lines shall be construed to be such boundaries.
- b) In subdivided property, where a district boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on the zoning map.

- c) A symbol indicating the classification of property on the zoning map shall in each instance apply to the whole of the area within the district boundaries.
- d) Where a public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply equally to such vacant or abandoned street or alley.

#### **SECTION 205      BOUNDARIES ADOPTED**

The boundaries of such districts are shown upon the zoning map, or amendments thereto, are hereby adopted and the specific regulations as hereinafter set forth for each district and the general regulations applicable therein as set forth in Article I are hereby established and declared to be in effect upon all lands included within the boundaries of each and every district as shown upon said zoning map.

#### **SECTION 206      COMPLIANCE WITH REGULATIONS**

No land shall be used, and no building or structure shall be erected, constructed, enlarged, altered, moved, or used in any district, as shown upon the zoning map, except in accordance with the regulations established by this ordinance.

#### **SECTION 207      AREAS NOT SHOWN ON MAP**

All lands now or hereafter included within the incorporated territory of the Town of Yountville which are not included within any other districts shown on the zoning map of said town shall constitute 'A' districts.

#### **SECTION 208      A AGRICULTURAL DISTRICT**

Section 208.1 Purpose and Application. The A District is intended to permit reasonable use while at the same time encouraging the preservation and the retention of the land in a productive state. The following specific regulations and the general rules set forth in Sections 301 to 312 shall apply in the A District.

Section 208.2 Uses Permitted. The following uses shall be permitted in the A District:

- a) All agricultural uses including horticulture, floriculture and viticulture except the conducting and maintenance of hog farms; the residence of the owner or owners or lessee or lessor of the land upon which the use is conducted.
- b) Accessory uses which are subordinant to and complimentary to the primary use.

Section 208.3 Uses Requiring Use Permits. The following uses shall require use permits as provided in Section 402.

- a) Commercial facilities for processing or retail sale of agricultural products.

#### Section 208.4 Standards and Requirements

- a) Lot area. The minimum lot area shall be ten (10) acres.
- b) Lot-width. The minimum lot width shall be three hundred (300) feet.
- c) Front yard. The minimum front yard shall be twenty (20) feet.
- d) Side yard. The minimum side yard shall be ten (10) feet.
- e) Rear yard. The minimum rear yard shall be twenty (20) feet.
- f) Residential density. There shall be not more than one (1) dwelling unit per every ten (10) acres.

### **SECTION 209 RMPR RETAINED MASTER PLANNED RESIDENTIAL**

Section 209.1 Purpose and Application. The Retained Master Planned Residential District is intended to preserve the character of existing master planned neighborhoods, and master planned developments under construction at the time of adoption of this ordinance. This district is also intended to provide for minor modifications of existing master planned developments which are consistent with the adopted Master Plans on file with the Town of Yountville. Areas designated RMPR on the Town's Zoning Map will be allowed to continue to exist and develop under the approved Master Plan which were adopted by the Town Council for their development.

This District is designed to avoid the creation of large areas of nonconformity as a consequence of the enactment of this ordinance. The legal, administrative and individual problems that would be created by making these areas non-conforming are not justifiable, and it is largely for these reasons that the RMPR District exists.

The designation of an area as a Retained Master Planned Residential District should not be interpreted as a decision by the Town of Yountville that the uses and standards for the district are ones which would have been prescribed had there not been significant development. No new RMPR Districts, of expansion of same, shall be allowed following the adoption of this ordinance. This district is not considered appropriate for vacant land.

Section 209.2 Uses Permitted. Only those uses and densities stipulated in the approved Master Plan for the development which is on file with the Town of Yountville shall be allowed.

Section 209.3 Standards and Requirements. All improvements in areas zoned RMPR shall be consistent with the approved Master Plan on file with the Town of Yountville. These improvements include but are not limited to the following:

- a) The location, dimensions and specified materials for all roadways, walkways, bikeways and easements shown on the approved Master Plan.

- a) The location, dimensions and specified materials for all roadways, walkways, bikeways and easements shown on the approved Master Plan.
- b) The location, distribution, size and dimension of all lots or parcels of land shown on the approved Master Plan.
- c) The location, setbacks and height limits of all buildings and structures specified in the approved Master Plan.
- d) The approved elevations for all buildings associated with the Master Plan, and the exterior material approved for all the buildings covered in the Master Plan.
- e) The number, type species size and distribution of all landscaped materials specified in the approved landscape plan for the development.
- f) The location, size and material required for all utilities (e.g. water, sewer, drainage, irrigation, electrical, gas, telephone and cable) approved as part of the Master Plan.

Section 209.4 Modifications or Amendments. Any proposed modifications or amendments to approved Master Plans within the RMPR District must be processed as an amended application under the provisions of Section 404 of this code. Before the Town Council can approve any modification or amendment to an approved Master Plan the Town Council shall make all the findings required in Section 404.3 (e) (1-12) of this code.

Minor changes to an approved Master Plan may be authorized subject to the previous written consent of the Town's Planning Officer, provided the change is consistent with the purposes and conditions of the approved Master Plan. Minor changes shall not include changes to the land use densities heretofore established, nor the boundaries of lots and roadways or the location of specific land uses and features.

## **SECTION 210 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

Section 210.1 Purpose and Application. The R-1 District is intended to provide living areas where development is limited to low density concentrations of single-family dwellings. The following specific regulations and the general rules set forth in Sections 301 to 312 shall apply in all R-1 districts.

Section 210.2 Uses Permitted. The following uses shall be permitted in the R-1 district:

- a) One single-family dwelling, including accessory buildings and uses on a lot of record.

- b) Agricultural uses including horticulture, gardening, and viticulture but not including commercial nurseries, or the raising of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises.

Section 210.3 Uses Requiring Use Permits. The following uses shall require use permits as provided in Section 402:

- a) Single-family detached residences in excess of one single-family dwelling.
- b) One second residential unit located on a lot which contains one single family detached dwelling unit as provided for in Section 312 of this code.
- c) Home occupations.
- d) Private schools which offer instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California and State licensed daycare centers and nursery schools, provided that the facility cares for no more than six (6) children. Said use shall be accessory to the residential use; said use shall not convert or preclude residential uses. Licensed day care centers and nursery schools in non-residential buildings may care for more than six (6) children.
- e) Commercial facilities for the processing and retail sales of agricultural products.
- f) Uses deemed by the Town Council, to be similar to the above mentioned.

Section 210.4 Standards and Requirements.

- a) Lot area. The minimum lot area shall be six thousand (6,000) square feet.
- b) Lot width. The minimum lot width shall be sixty (60) feet.
- c) Front yard. The minimum front yard shall be twenty (20) feet.
- d) Side yard. The minimum side yard shall be five (5) feet except on the street side of a corner lot where the side yard shall not be less than ten (10) feet.
- e) Rear yard. The minimum rear yard shall be twenty (20) feet.

- f) Building height. The building height limit for main buildings shall be two (2) stories, but not to exceed twenty-five (25) feet, and for accessory buildings shall not exceed fifteen (15) feet.
- g) Residential Density

There shall not be more than one dwelling unit per six thousand (6,000) square feet of lot area; provided however, that the residential density permitted may be increased pursuant to the provisions of Section 312.

## **SECTION 211: LDR LOW DENSITY RESIDENTIAL**

Section 211.1 Purpose and Application. The purpose and intent of this zone is to provide a transition in residential intensity between the agricultural lands in the eastern portion of the Town and the higher density residential development in the western portion of the Town. This zone is intended to be the Town's lowest intensity district, and only single family detached dwellings shall be allowed. Preservation of the towns agricultural character will be accomplished by incorporating remnants of vineyards, as open space, into this residential district. Incorporating existing trees, where appropriate and feasible, as well as maintaining view corridors through the site, and access to the creek will also be encouraged. These requirements will assist in achieving the Town's goal of maintaining its rural, agricultural character while meeting the stated housing goals of the community. There are two approaches for development enumerated in the following, one utilizing master development plans found in Section 211.7 and one using a more conventional approach, found in Section 211.6 of this code. The following specific regulations and the general rules set forth in Sections 301 to 312 shall apply in all LDR districts.

Section 211.2 Definitions. The following definitions are of particular application to this zoning district. Other definitions can be found in Section 110.

### **Agriculture:**

Agriculture includes the tilling of soil, horticulture, floriculture, viticulture, crop raising, farming and limited livestock and fowl raising. This does not include slaughter houses, dairy farms, fertilizer works, bone yards, hog raising or rendering plants. The quantity of animal or fowl life on a lot is dependent upon the individual lot size and subject to Town Council approval.

### **Integrated:**

This term refers to the placement of vineyard remnants and other plant life on a development site. These features shall be placed on a site in areas which are contiguous with other existing vineyards both within and outside the Town, as well as, within proposed view corridors through a site which provide visual access to agricultural lands beyond the site. Integrated does not mean in areas which are not visually accessible to the public or in areas which separate a project from some other existing building or development.

### **Vital:**

This term refers to the condition of plant life on a site which should be kept alive and maintained.

Section 211.3 Uses Permitted. The following uses will be permitted in the Low Density Residential District.

- a) One single family detached dwelling on a lot of record.
- b) Agricultural uses including, horticulture, gardening, and viticulture.

Section 211.4 Uses Requiring Use Permits. The following uses shall require use permits as provided for in Section 402:

- a) Second residential units as provided for in Sections 211.6 (h) 211.7 (i) and Section 312.
- b) Private schools which offer instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California, and State licensed daycare centers and nursery schools, provided that the facility cares for no more than six (6) children. Said use shall be accessory to the residential use; said use shall not convert or preclude residential uses. Licensed day care centers and nursery schools in non-residential buildings may care for more than six (6) children.
- c) Home occupations.
- d) Churches and religious institutions.
- e) Privately owned non-profit recreational facilities or areas.
- f) Commercial facilities for the processing and retail sales of agricultural products.
- g) Animal Husbandry.
- h) Uses deemed, by the Town Council, to be similar to the above mentioned.

Section 211.5 Status of Open Space and Vineyards. Land set aside as open space, vineyards and/or view corridors shall remain as such and will not be utilized in any other manner.

Section 211.6 Regulations for Residential Development Not Utilizing Master Development Plans.

- a) Residential Density. The residential density shall not exceed one and a half (1.5) units per gross acre.
- b) Building Type. Units shall be single family detached.
- c) Lot Size. Lots shall vary in size.
- d) Building Size. Dwelling units shall vary in size.
- e) Lot Area. Minimum lot area shall be fifteen thousand (15,000) square feet.

- f) Lot Width No minimum lot width is required. This is provided to encourage a variety of lot sizes.
- g) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet. Two story buildings will be permitted provided that when two or more buildings are constructed no more than 50% percent of the buildings shall be two story.
- h) Minimum Yards. **Front Yard** - The minimum front yard shall be twenty (20) feet. **Side Yard** - The minimum side yard shall be five (5) feet except on the street side of a corner lot where the side yard shall not be less than ten (10) feet. **Rear Yard** - The minimum rear yard shall be twenty (20) feet.
- i) Second Residential Units. Second residential units may be permitted as provided for in Section 312.
- j) Building Coverage. A maximum building coverage of 30% shall apply to the entire lot area.

Section 211.7 Regulations for Development Utilizing Master Development Plans. The objective of this section is to promote a variety of lot and dwelling unit sizes to accommodate a variety of household sizes while still maintaining the Town's rural, agricultural character. Incorporating remnants of vineyards, existing trees where appropriate and feasible, and access to and views of the creek are objectives to help maintain the Town's rural character. This process allows the developer a greater number of dwelling units as well as flexibility in the spatial distribution and configuration of building layout. The regulations set forth in Section 211.8 et.seq. as well as Sections 403 and 404 shall apply to this district.

- a) Residential Density. A dwelling unit density of up to and including five (5) units per gross acre will be considered provided that the Master Plan meets the intent of this district. However, the Council may approve a density lower than five (5) units per gross acre depending upon the review of the Master Plan.
- b) Density Transitions. Units adjacent to the Town's eastern limit shall not exceed half the net density of the remaining units on the property.
- c) Building Type. Dwelling units shall be single family detached.
- d) Building Size. Dwelling units shall vary in size.
- e) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet.
- f) Two Story Buildings. No more than 40% of the dwelling units shall be two story. Two story buildings shall not

exceed twenty-five (25) feet in height.

- g) Lot Area Diversity. The second smallest lot area shall be a minimum of one thousand (1,000) square feet greater than the smallest lot area.
- h) Lot Area. Minimum lot area shall be four thousand (4,000) square feet and no more than 20% of the lots shall be four thousand (4,000) square feet.
- i) Second Residential Units. Second residential units will not be permitted, unless approved as part of the Master Development Plan, and said units shall not exceed the maximum allowable density of the district.
- j) Building Coverage. A maximum building coverage of 30% shall apply to the entire site area.

Section 211.8 Findings for Approval. The following findings shall be made in approving any application for a Master Development Plan as submitted, or as modified, altered or amended:

- 1) That the proposed Master Plan is consistent with the Purpose and Application Section the Low Density Residential District;
- 2) That the proposed Master Plan incorporates existing trees, to the extent feasible, into the site;
- 3) That the proposed Master Plan maintains access to and views of the creek, where applicable;
- 4) That the proposed Master Plan creates and maintains scenic corridors within and through the site;
- 5) That the proposed Master Plan is consistent with the Town's goal of maintaining a small town, rural, agricultural character;
- 6) That the proposed Master Plan creates a transition zone in areas where low density residential abuts medium density residential or commercial areas or agricultural areas;
- 7) That the proposed Master Plan provides dwelling units which meet the needs of 2, 3, 4, and 5 plus bedroom households;
- 8) That the proposed Master Plan conforms to the regulations set forth in Section 211.7 (a-j) of this zoning code;
- 9) That the proposed Master Plan promotes the health, safety and welfare of the Town's residents; and,
- 10) That the proposed Master Plan conforms with the intent of the Yountville General Plan.

## **SECTION 212 MDR MEDIUM DENSITY RESIDENTIAL**

Section 212.1 Purpose and Application. The purpose and intent of this section is to provide a transition between low density residential areas and the more intense high density residential and commercial areas of Town. As in the low density residential areas preservation of the Towns rural character is a major goal and will be accomplished by incorporating remnants of vineyards, and other agricultural or open space features into this district. Lands within this district are expected to be developed with single family detached homes. Clustering and higher densities may be considered within this district if such developments implement to a significant degree the social housing objectives of the Yountville General Plan. There are two approaches to development enumerated in this district. Section 212.6 is the more conventional method and Section 212.7 utilizing master development plans. The following specific regulations and the general rules set forth in Sections 301 to 312 shall apply in all MDR districts.

Section 212.2 Definitions. The following definitions are of particular application to this zoning district. Other definitions can be found in Section 110.

### **Clustering**

This term refers to providing houses on smaller lots to promote a range of lot and dwelling unit sizes. Some attachments in the form of duplex and second units will be considered provided that the overall design concept creates a single family image. Clustering of lots is provided to encourage designs which minimize the cost of housing development in order to promote housing opportunities for all economic segments of the community.

### **Duplex**

A single building designed to be used as a residence for two families which contains separate living facilities consisting of at least a kitchen, living area, bathroom and bedroom. Each living unit must have a separate entrance to the building.

### **Integrated**

Refer to Section 211.2 of this code.

### **Open Space**

Refer to Section 211.2 of this code

### **Vital**

Refer to Section 211.2 of this code.

Section 212.3 Uses Permitted. The following uses shall be permitted in the Medium Density Residential District.

- a) One single family detached dwelling on a lot of record.

- b) Agriculture, horticulture, gardening, but not including commercial nurseries, or the raising of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises.

Section 212.4 Uses Requiring Use Permits. The following uses shall require use permits as provided for in Section 402:

- a) Second residential units as provided for in Section 212.6 (h) and Section 312.
- b) Private schools which offer instructions in several branches of learning and study required to be taught in public schools by the Education Code of the State of California, and State licensed day care centers and nursery schools provided that the facility cares for no more than six (6) children. Said use shall be accessory to the residential use; said use shall not convert or preclude residential uses. Licensed day care centers and nursery schools located in non-residential buildings may care for more than six (6) children.
- c) Home occupations.
- d) Churches and religious institutions.
- e) Privately owned non-profit recreational facilities or areas.
- f) Commercial facilities for the processing and retail sales of agricultural products.
- g) Animal Husbandry.
- h) Uses deemed, by the Town Council, to be similar to the above mentioned.

Section 212.5 Status of Open Space and Vineyards. Land set aside as open space, vineyards and/or view corridors shall remain as such and will not be utilized in any other manner.

Section 212.6 Regulations for Development Not Utilizing Master Development Plans.

- a) Residential Density. The residential density shall not exceed four and a half (4.5) units per gross acre.
- b) Building Type. Dwelling units shall be single family detached.
- c) Lot Size. Lots shall vary in size.
- d) Building Size. Dwelling units shall vary in size.
- e) Lot Area. Minimum lot area shall be nine thousand (9,000) square feet.

- f) Lot Width. No minimum lot width is required. This is provided to encourage a variety of lot sizes.
- g) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet. Two story buildings will be permitted provided that when two or more buildings are constructed no more than 50% of the buildings shall be two story.
- h) Minimum Yards. **Front yards** - The minimum front yard shall be twenty (20) feet. **Side yards** - The minimum side yard shall be five (5) feet except on the street side of a corner lot where the side yard shall not be less than ten (10) feet. **Rear yard** - The minimum rear yard shall be twenty (20) feet.
- i) Second Residential Units. Second residential units will be permitted as provided for in Section 312.
- j) Building Coverage. A maximum building coverage of 30% shall apply to the entire site area.

Section 212.7 Regulations for Development Utilizing Master Development Plans. The objective of this section is to allow an increase in residential density while promoting a variety of lot and dwelling unit sizes. Duplex structures and second residential units may be allowed and design review will be employed to ensure that the development maintains a small rural scale and design. This process allows for both a higher density of development as well as flexibility in the spatial distribution and configuration of lot layout. The regulations set forth in Section 212.8 et. seq. as well as Sections 403 and 404 shall apply to this district.

- a) Residential Density. A dwelling unit density of up to and including seven (7) units per gross acre will be considered provided the Master Plan implements the intent of this district. The Town Council may approve a dwelling unit density of up to 9 units per gross acre to accommodate second residential units only. However, the Council will not approve a density greater than 4.5 units per gross acre if the intent of the District and Town General Plan is not achieved by the Master Plan.
- b) Lot Size. Lots shall vary in size.
- c) Building Size. Dwelling units shall vary in size.
- d) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet.
- e) Lot Area. Minimum lot area for single family detached structures shall be four thousand (4,000) square feet and no more than 29% of these lots shall be four thousand (4,000)

square feet; minimum lot area for duplex structures shall be six thousand (6,000) square feet.

- f) Lot Area Diversity. The second smallest lot area shall be a minimum of 1,000 square feet greater than the smallest lot area.
- g) Two Story Buildings. No more than 50% of the dwelling units shall be two story. Two story buildings shall not exceed twenty-five (25) feet in height.
- h) Second Residential Units. Second residential units will not be permitted unless approved as part of the Master Plan.
- i) Building Coverage. A maximum building coverage of 50% shall apply to the entire site area.
- j) Building Type Percentages. A minimum of 50% of the total dwelling units shall be single family detached.

Section 212.8 Findings for Approval. The following findings shall be made in approving any application for a Master Development Plan as submitted, or as modified, altered or amended:

- 1) That the proposed development is consistent with the Purpose and Application Section of the Medium Density Residential District;
- 2) That the proposed Master Plan incorporates existing trees, to the extent feasible, into the Master Plan;
- 3) That the proposed Master Plan maintains access to and views of the creek, where appropriate;
- 4) That the proposed Master Plan provides scenic view corridors within and through the development;
- 5) That the proposed Master Plan is consistent with the Town's goal of maintaining a small town rural, agricultural character;
- 6) That the proposed Master Plan incorporates dwelling units into the plan that meet the needs of 3, 4 and 5 person plus households;
- 7) That the higher densities requested in the Master Plan are necessary to provide the needed housing objectives for low and moderate income housing as provided for in Section 311.
- 8) That the proposed Master Plan conforms to the regulations set forth in Section 212.7 (a-j);
- 9) That the proposed Master Plan promotes the health, safety and welfare of the Town's residents; and,

- 10) That the proposed Master Plan conforms with the intent of the Yountville General Plan.

## **SECTION 213     HDR   HIGH DENSITY RESIDENTIAL**

Section 213.1 Purpose and Application. The purpose and intent of this district is to provide for areas of higher residential density where some clustering in the form of duplex and triplex may occur. The predominant form of development is expected to be single family detached homes on small lots. Clustering of homes and attachments to create some duplexes and triplexes may be considered if the overall design concept creates a single family detached image. Development shall maintain the Town's rural character by incorporating remnants of vineyards and other natural features into the development plan. Views of and access to the creek, where appropriate and to the extent feasible will be encouraged. There are two approaches to development enumerated in this district. Section 213.6 is the more conventional method and Section 213.7 utilizes master development plans. The following specific regulations and the general rules set forth in Sections 301 to 312 shall apply in all HDR districts.

Section 213.2 Definitions. The following definitions are of particular application to this zoning district. Other definitions can be found in Section 110.

### **Duplex**

Refer to Section 212.2 of this code.

### **Integrated**

Refer to Section 211.2 of this code.

### **Open Space**

Refer to Section 211.2 of this code.

### **Triplex**

One building designed to be used as a residence for three families which contains separate living facilities consisting of at least a kitchen, living area, bathroom and a separate entrance to the building.

### **Vital**

Refer to Section 211.2 of this code.

Section 213.3 Uses Permitted. The following uses will be permitted in the High Density Residential District.

- a) One single family detached dwelling on a lot of record.
- b) Agriculture, horticulture, gardening, but not including commercial nurseries, or the raising of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises.

Section 213.4 Uses Requiring Use Permits. The following uses shall require use permits as provided for in Section 402.

- a) Second residential units as provided for in Section 213.6 (h) and Section 312.
- b) Private schools which offer instructions in several branches of learning and study required to be taught in public schools by the Education code of the State of California, and State licensed day care centers and nursery schools provided that the facility cares for no more than six (6) children. Said use shall be accessory to the residential use; said use shall not convert or preclude residential uses. Licensed daycare centers and nursery schools located in non-residential structures can care for more than six (6) children.
- c) Home occupations.
- d) Churches and religious insititutions.
- e) Privately owned non-profit recreational facilities or areas.
- f) Commercial facilities for the processing and retail sales of agricultural products.
- g) Animal Husbandry.
- h) Uses deemed, by the Town Council, to be similar to the above mentioned.

Section 213.5 Status of Open Space and Vineyards. Land set aside as open space, vineyards and/or view corridors shall remain as such and will not be utilized in any other manner.

Section 213.6 Regulations for Development Not Utilizing Master Development Plans.

- a) Residential Density. The residential density shall not exceed four (4) units per gross acre.
- b) Building Type. Dwelling units shall be single family detached.
- c) Lot-Size. Lots shall vary in size.
- d) Building Size. Dwelling units shall vary in size.
- e) Lot Area. Minimum lot area shall be eight thousand (8,000) square feet.
- f) Lot Width. No minimum lot width is required. This is provided to encourage a variety of lot sizes.

- g) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet. Two story buildings will be permitted provided that no more than 50% of the buildings are two story.
- h) Minimum Yards. **Front yards** - The minimum front yard shall be twenty (20) feet. **Side yard** - The minimum side yard shall be five (5) feet except on the street side of a corner lot where the side yard shall be not less than ten (10) feet. **Rear yard** - the minimum rear yard shall be twenty (20) feet.
- i) Building Coverage. A maximum building coverage of 35% shall apply to the entire site area.

Section 213.7 Regulations for Development Utilizing Master Development Plans. The objective of this section is to allow for an increase in residential density, while providing a variety in lot size, and dwelling unit size and type. Duplexes, triplexes and second residential units may be allowed and design review will be employed to ensure that development maintains a small rural scale and design. This process allows as well as flexibility in the spatial distribution and configuration of lot layout. The regulations set forth in Section 213.8 et. seq. as well as Sections 403 and 404 shall apply to this district.

- a) Residential Density. A dwelling density of up to and including nine (9) units per gross acre will be considered provided the Master Plan implements the intent of this district. The Town Council may approve a dwelling unit density of up to eleven (11) units per gross acre to accommodate second residential units only. However the Council will not approve a density greater than five (5) units per gross acre if the Master Plan does not meet the intent of this District and the Towns General Plan.
- b) Building Types and Percentages. A minimum of 30% of dwelling units shall be single family detached.
- c) Building Size. Dwelling units shall vary in size.
- d) Lot Size. Lots shall vary in size.
- e) Lot Area. Minimum lot areas are as follows: **Single family detached** - three thousand (3,000) square feet. **Duplex** - forty five hundred (4,500) square feet. **Triplex** - seven thousand (7,000) square feet.
- f) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet.

- g) Two Story Buildings. No more than 50% of the dwelling units shall be two story. Two story buildings shall not exceed twenty-five (25) feet in height.
- h) Second Residential Units. Second residential units will not be permitted unless provided for in the Master Development Plan.
- i) Building Coverage. A maximum building coverage of 55% shall apply to the entire site area.

Section 213.8 Findings for Approval. The following findings shall be made in approving any application for a Master Development Plan as submitted, or as modified, altered or amended:

- 1) That the proposed Master Plan is consistent with the Purpose and Application section of the High Density Residential District;
- 2) That the proposed Master Plan maintains access to and views of the creek, where appropriate;
- 3) That the proposed Master Plan provides scenic view corridors within and through the development;
- 4) That the proposed Master Plan provides a landscape buffer for dwelling units adjacent to Highway 29, along the western portion of the Town;
- 5) That the proposed Master Plan minimizes the bulk and massing of duplex and triplex structures;
- 6) That the proposed Master Plan is consistent with the Town's goal of maintaining a small town rural character;
- 7) That the proposed Master Plan conforms to the regulations set forth in Section 213.7 (a-i);
- 8) That the proposed Master Plan incorporates dwelling units into the plan that meet the needs of 1,2 and 3, plus person households;
- 9) That the higher densities requested in the Master Plan are necessary to provide the needed housing objectives for low and moderate income housing as provided for in Section 311;
- 10) That the proposed Master Plan promotes the health, safety and welfare of the Town's residents; and,
- 11) That the proposed Master Plan conforms to the intent of the Yountville General Plan.

## **SECTION 214     H OLD TOWN HISTORICAL DISTRICT**

Section 214.1 Purposes and Application. The purpose and intent of this zone is to maintain the Town's historical character while providing for new and renovated residential development. Design review will be required for all new construction to ensure that new and renovated structures promote the character and scale of the district. Maintenance and rehabilitation of older structures is encouraged to further promote the historic character of Old Town. This type of preservation also serves to promote a variety of architectural styles thus providing a visual link to the Town's architectural history. Dwelling units shall be single family detached on small lots. Commercial uses in this district will be limited to those that are local serving, and all allowed commercial uses shall be concentrated along Washington Street.

Section 214.2 Definitions. The following definitions are of particular application to this zoning district. Other definitions can be found in Section 110 entitled, "Definitions" of this zoning ordinance.

### **Deterioration**

This term refers to the condition of a structure which requires repair as a result of unsafe or unsightly structural integrity or appearance. The range of deterioration can include major structural damage such as an unsafe foundation to minor damage such as, peeling paint or damaged parapets.

### **Local Serving**

This term refers to those commercial endeavors which predominately serve the residents of Yountville and the surrounding area as opposed to serving tourists. Examples of locally serving businesses include: grocery stores, hardware and variety stores.

### **Expansion of Use and Intensification**

The term expand or expansion of use means an increase in the square footage devoted to commercial uses, and also means an expansion in the intensity of use even though there may be no increase in square footage. An increase in intensity includes but is not limited to an increase in hours of operation, a change in use, products or service which generates more customers or traffic than an existing use and an increase in the noise level or effects of an existing or new commercial activity.

### **Renovation**

This term refers to the repairing and/or partially reconstructing a deteriorated structure to its original state as opposed to demolishing the building. This results in maintaining the architectural heritage and character of an area as renovation entails reconstructing a structure to a condition that is structurally safe, while using materials and paint that reflect the era in which it was built.

Section 214.3 Uses Permitted. The following uses will be permitted in the Historic District.

- a) One single family detached dwelling on a lot of record subject to design review approval as provided in Section 403.
- b) One second residential unit on a lot of record as provided for in Section 312 and to design review approval as provided for in Section 403.
- c) Home occupations as provided for in Section 301.

Section 214.4 Uses Requiring Use Permits. The following uses shall require use permits as provided for in Section 402 of this zoning code, and any new construction or exterior modifications will be subject to design review approval as provided in Section 403:

- a) Local serving commercial uses.
- b) Private schools which offer instructions in several branches of learning and study required to be taught in public schools by the Education code of the State of California and State licensed day care centers and nursery schools provided that the facility cares for no more than six (6) children. Said use shall be accessory to the residential use; said use shall not convert or preclude residential uses. Licensed daycare centers and nursery schools located in non-residential buildings may care for more than six (6) children.
- c) Churches and religious institutions.
- d) Privately owned non-profit recreational facilities or areas.
- e) Uses deemed, by the Town Council, to be similar to the above mentioned.

Section 214.5 Status and Condition of Structure Exteriors. Owner, lessee or person in actual charge of a structure shall keep the exterior portion of said structure in good condition and free from deterioration.

Section 214.6 Standards and Regulations for Residential Development

- a) Residential Density. Density shall not exceed eight (8) units per gross acre.
- b) Building Type. Dwelling units shall be single family detached.
- c) Lot Area. Minimum lot area shall be five thousand (5000) square feet.

- d) Lot Width. No minimum lot width is required.
- e) Building Coverage. A maximum building coverage of 40% shall apply to the entire site area.
- f) Building Height. The maximum height limit for main buildings shall be twenty-five (25) feet and for accessory buildings shall not exceed fifteen (15) feet.
- g) Two-Story Buildings. No more than 50% of the dwelling units in any given block in Old Town shall be two story. Where this percentage is currently exceeded no new two story structures will be allowed. Two story buildings shall not exceed 25 feet in height. For purpose of this section a block shall mean both sides of the street lying between intersecting streets.
- h) Minimum Yards. **Front Yard** - The minimum front yard shall be fifteen (15) feet. **Side Yard** - The minimum side yard shall be five (5) feet except on the street side of a corner lot where the side yard shall not be less than ten (10) feet. **Rear Yard** - The minimum rear yard shall be fifteen (15) feet. Except for accessory buildings, including garages, the minimum rear yard setback shall be five (5) feet.
- i) Off Street-Parking. One enclosed off-street parking space per dwelling unit is required.

#### Section 214.7 Standard and Requirements for Commercial Development

- a) Lot Area. Minimum lot area shall be 5000 square feet.
- b) Building Coverage. A maximum building coverage of 30 % shall apply to the entire site area.
- c) Minimum Yards. Minimum Yards. **Front Yard** - The minimum front yard shall be fifteen (15) feet. **Side Yard** - The minimum side yard shall be five (5) feet except on the street side of a corner lot where the side yard shall not be less than ten (10) feet. **Rear Yard** - The minimum rear yard shall be fifteen (15) feet.
- d) Structural Height. Maximum structure height shall be twenty-five (25) feet.
- e) Off-Street-Parking. As required per section 302 of the Zoning Ordinance
- f) FAR. The maximum FAR for commercial use shall be 0.20.

#### **Properties Abutting Washington Street**

- g) Change in Use. Any change in commercial use in this district shall not result in a more intense use than the existing commercial use. Refer to Section 214.2 for definition of intensification.
- h) Signs. Signs will follow the provisions in Section 306 except that no individual signs shall exceed 12 square feet in size.
- i) Commercial Location. Commercial development shall be limited to those properties which have frontage on Washington Street.
- j) Commercial Structure Uses. New commercial uses or expansion of an existing commercial use, or a change in commercial use shall only be allowed in an existing commercial structure or on vacant land, and will not be allowed in an existing residential structure. A list of commercial structures on Washington Street has been compiled and is on file with the Town Clerk of Yountville.
- k) Residential Structure Uses. Existing residential structures or portions thereof will not be allowed to convert to commercial use.
- l) Subdivision of Residential Lots. Any lot legally created subsequent to the date of adoption of this ordinance which was a portion of a larger lot which was used solely for residential purposes prior to the date of adoption of this ordinance shall remain solely in residential use. The only exception are those uses listed in Section 214.4
- m) Residential Use Requirement. Any lot at the time of adoption of this ordinance which is used solely for residential purposes must remain hereafter in residential use, even if said residential use is terminated, or the building destroyed or demolished.

#### **Properties Other Than Those Abutting Washington Street**

- n) Non-Conforming Commercial Locations. Existing commercial, institutional and quasi-public uses which are not located on a property which abuts Washington Street shall not be allowed to expand and will revert to residential use if terminated or vacated for a period of 90 day.

Section 214.8 Findings for Approval of Commercial Use. The following findings shall be made in approving any use permit application or revised use permit application for commercial use.

- 1) That the proposed commercial use is consistent with Section 214.1;
- 2) That the proposed commercial use conforms to the regulations set forth in Section 214.7;

- 3) That the proposed commercial use is local serving and compatible with the residential character of Old Town;
- 4) That the proposed commercial use promotes the health, safety, and welfare of the Town's residents; and,
- 5) That the proposed commercial use conforms with the intent of the Yountville General Plan.

Section 214.9 Findings for Approval for Other Non Residential Uses.

The following findings shall be made in approving any use permit application for a non-residential use other than commercial as provided for in Section 214.4.

- 1) That the proposed use is consistent with Section 214.1;
- 2) That the proposed use is local serving and compatible with the residential nature of Old Town;
- 3) That the proposed use promotes the health, safety and welfare of the Town's residents; and,
- 4) That the proposed use conforms with the intent of the Yountville General Plan.

Section 214.10 Regulations Governing All Uses in Section 214 et seq.

1. No person shall carry out or cause to be carried out in the H District any exterior construction, or exterior alteration other than painting or demolition where said construction or alteration causes a major change in the opinion of the Planning Officer in the external appearance thereof without first applying for and receiving design review approval to undertake such work pursuant to Section 403 hereof.
2. None of the provisions of this Section 214 et. seq. shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct the unsafe or dangerous conditions of any structure, other feature, or part thereof, where such condition has been declared unsafe or dangerous by the building official or fire department, and where the proposed measures have been declared necessary, by such official, to correct the said condition, provided however, that only such work as is absolutely necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section 214.5. In the event any structure, or other feature shall be damaged by fire, or other calamity, or by Act of God or by the public enemy, to such an extent that in the opinion of the aforesaid officials it cannot be reasonably repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.

## SECTION 215 MD-MHP MEDIUM DENSITY MOBILE HOME PARK

Section 215.1 The MD-MHP District is designed to effectively protect mobile home residents from potential development resulting from transition of existing mobile home parks to conventional housing uses. This zone is further developed to articulate town policy that affordable housing shall be safeguarded from economic forces that may result in removal of housing stock that currently provides for a cross-section of persons with different economic means.

### Section 215.2 Uses Requiring Planned Development Permits

- a) Mobile home parks.

Section 215.3 Existing Uses Deemed to be Conforming Uses. All mobile home parks existing as of the date this ordinance is enacted were properly approved by the proper authorities at the time of their construction and had all necessary permits and approvals for their legal construction. Therefore such mobile home parks are deemed to have approved Master Development Plans under this ordinance and to have all rights of any other development which may receive approval of a Master Development Plan subsequent to the enactment of this ordinance. Said existing mobile home parks are therefore conforming uses under this ordinance.

### Section 215.4 Standards and Requirements

- a) Lot Area - The minimum lot area shall be 10 contiguous acres.
- b) Usable Open Space - For the use requiring a Planned Development Permit described in Section 215.2 above, a minimum of ten percent of the site shall be devoted to common usable open space.
- c) Density - For all uses requiring Planned Development Permits described in Section 213.2, the maximum allowable residential density shall be eight (8) dwelling units per gross site acre. This density is allowed because mobile homes provide a type of affordable housing that is consistent with the objectives of the Housing Element of the Town of Yountville.
- d) Building Height - The building height limit shall be two (2) stories, but not to exceed twenty-five (25) feet for conventional structures only. Mobile homes shall not exceed fifteen (15) feet or one story.
- e) Other Requirements - The same as set forth in Article III of this ordinance, except where conflict in regulations occurs, the regulations specified in this Section shall apply. There shall be no yard requirements for uses requiring Planned Development Permits described in Section 215.2.

Section 215.5 Review Procedures. No building permit shall be issued and no building shall be constructed for any purposes or uses in a MD-MHP District until a Master Development Plan has been approved pursuant to Section 404.

## **SECTION 216      COMMERCIAL DISTRICT**

Section 216.1 Purpose and Application. The purpose and intent of this zone is to provide for the frequent and recurring commercial needs of the residents of Yountville. Commercial development shall consist primarily of small scale local serving commercial uses. Commercial development shall be designed to preserve and promote the Town's rural scale and agricultural character. Commercial enterprises shall be of a use, scale, intensity and design which will integrate into the Town's existing fabric of commercial areas. The intensity of development on the west side of Washington Street will be greater than that on the east side of Washington Street. A limited amount of tourist commercial development will be permitted. This provision will be employed to promote the economic health and diversity of the Town. The regulations set forth in Section 216 et. seq., as well as the regulations stipulated in Sections 301-312 shall apply in this commercial district. All residential and commercial development provided for in this section with the exception of one single family home on a lot will be subject to the design review requirements of Section 403.

Section 216.2 Definitions. The following definitions are of particular application to this zoning district. Other definitions can be found in Section 110.

### **Floor Area Ratio (FAR)**

This term refers to the gross floor area of a building or buildings on the zoning plot divided by the area of such zoning plot. The resulting figure, expressed as a ratio, reflects the allowable structural density. For example, a 0.20 FAR would allow 2,000 square feet of floor space on a 10,000 square foot lot.

### **Local Serving Commercial**

This term refers to those commercial businesses which serve the needs of the residents of Yountville and the surrounding area. These types of businesses include but are not limited to, grocery stores, family restaurants, hardware and variety stores.

### **Tourist Serving Commercial**

This term refers to those commercial businesses which predominately serve the needs of tourists and visitors. Such businesses include: higher priced restaurants, specialized retail outlets and overnight lodging facilities including hotels, motels and inns.

Section 216.3 Uses Permitted. The following uses will be permitted in the Commercial District.

- a) One single family detached dwelling on a lot of record.
- b) One second residential unit on a lot of record as provided for in Section 312.
- c) Home occupations as provided for in Section 302.

- c) Home occupations as provided for in Section 302.
- d) Agriculture, horticulture, gardening, but not including commercial nurseries or the raising of rabbits, dogs, fowl or other animals for commercial purposes.

Section 216.4 Uses Requiring Use Permits. The following uses shall require use permits as provided for in Section 402:

- a) All commercial uses such as:
  - 1. Food stores, dairy products and bakery goods stores
  - 2. Book stores and rental libraries
  - 3. Small drug stores, including soda fountains
  - 4. Florists, variety, hardware, clothing stores
  - 5. Laundry and dry cleaning establishments, launderettes
  - 6. Barber shops and beauty shops
  - 7. Shoe repair
  - 8. Professional office and clinics
  - 9. Art and photographic studios
- + b) All light industrial uses such as:
  - 1. Automobile service stations and repair shops
  - 2. Plumbing, electrical, building supplies and services
  - 3. Storage lots and facilities
  - 4. Other light industrial uses which in the opinion of the Town Council are similar to the foregoing.
- c) Public buildings
- d) Churches and religious institutions.
- e) Private schools which offer instructions in several branches of learning and study required to be taught in public schools by the Education code of the State of California, State licensed day care centers and nursery schools.
- f) Privately owned non-profit recreational facilities or areas.
- g) Single family dwellings in excess of one single family dwelling on a lot of record or multiple family dwellings developed separately or built within a commercial structure.
- h) Uses deemed, by the Town Council, to be similar to the above mentioned.

#### Section 216.5 Standards and Requirements

##### 1. **Single Family Residential Uses.**

- a) Lot Area. The minimum lot area is six thousand (6,000) square feet.
- b) Lot Width. Minimum lot width is sixty (60) feet.

- c) Density. There shall be not more than one dwelling unit per six thousand (6,000) square feet of lot area except for second residential units as provided for in Section 312 and this code.
- d) Minimum Yards. A minimum **front yard** of fifteen (15) feet shall be required; provided that where said frontage is along a block which also lies partially in a residential district where the front yard depth required shall be the same as that required in the nearest residential district also fronting on said block; the minimum **side yards** shall be five (5) feet except on the side next to a street on a corner lot which shall be not less than ten (10) feet; and the minimum **rear yard** shall be twenty (20) feet.

## 2. **Multi-Family Residential Uses**

- a) Lot Area. The minimum lot area is nine thousand (9,000) square feet.
- b) Lot-Width. The minimum lot width is sixty (60) feet.
- c) Density. There shall be not more than one dwelling unit per four thousand three hundred (4,300) square feet of lot area. In addition, no portion of lot area used to compute the square footage allotment (FAR) for any commercial or industrial building shall be used as a base for computing the maximum number of dwelling units on the same lot except when said units are within a commercial structure.
- d) Open Space. A minimum of twenty-five (25) percent of the site area shall be devoted to usable open space and all dwelling units shall be required to have private open space as required by Section 303.2(c) of this ordinance.
- e) Building Height. The maximum building height for any building containing residential uses shall be two (2) stories or twenty-five (25) feet.
- f) Minimum Yards. Same as Section 216.5(1)(d).

## 3. **Commercial, Industrial and Other Development**

- a) Lot Size. Minimum lot size shall be 6,000 square feet unless the lot is an existing legal lot of record.
- b) Minimum Yards. A minimum **front yard** of 15 feet shall be required; except when said frontage is along a block which also lies partially in a residential district where the front yard requirement is greater than 15 feet, the minimum front yard depth required shall be the same as that required in the nearest residential district also fronting on said block. A minimum **side yard** of five feet shall be required; said required yard shall be used exclusively as a landscaped

buffer strip. No **rear yards** are required; provided that along the rear of a lot abutting a residential district, the rear yard depth shall be ten feet; said required yard shall be landscaped and shall not be used for storage purposes.

- c) Building Height. Maximum structure height on the west side of Washington Street shall be 25 feet. The maximum building height on the east side of Washington Street shall be 18 feet except as provided for in Section 216.8.
- d) Building Height Percentages. Only 50% of the buildings in developments with 5,000 or more square feet of gross floor area can be 25 feet in height. The remaining buildings cannot be more than 18 feet in height.
- e) Two Story Buildings. No two story commercial structures will be permitted on the east side of Washington Street, except as provided in Section 216.8.
- f) FAR. Maximum FAR for commercial structures west of Washington Street shall be .25. Maximum FAR for commercial structures east of Washington Street shall be .20. Except that on a legal lot of record, existing at the time of adoption of this ordinance, with a total square footage less than 17,000 square feet; the Town Council may allow a FAR of up to 0.30 provided the development meets all the other requirements of this section and Article III.

#### 4. **Other Requirements for all Uses.**

All uses shall be subject to parking and loading, usable open space, landscaping and screening, sign, yard, and extensive impact requirements set forth in Article III of this ordinance.

Section 216.6 Findings for Approval for Commercial, Industrial and Other Development. In addition to the findings listed in Section 402.2, the Town Council, after a public hearing, shall make the following findings before approving any use permit:

- 1. That the proposed use is consistent with Section 216.1;
- 2. That the proposed commercial use is predominately local serving;
- 3. That the proposed use is congruent and compatable with the scale and intensity of the surrounding land uses;
- 4. That the primary purpose of the proposed use is to serve the local market and not highway travelers and tourists;
- 5. That the proposed use will not be detrimental to existing and potential commercial and residential uses in the surrounding area.

6. That the streets in the area are suitable and adequate to carry projected traffic, and that the proposed use will not generate traffic in such amounts as to overload the street network in the area;
7. That the proposed off-street parking is adequate to accommodate automobiles generated by the proposed use;
8. That the design of the structure or structures is compatible with the character of the Town;
9. That the existing or proposed utility, police and fire services are adequate to serve the proposed use;
10. That the proposed use conforms with Section 216.5 et. seq., to the extent applicable;
11. That the proposed use promotes the health, safety and welfare of the Town's residents; and,
12. That the proposed use conforms with the intent of the Yountville General Plan.

Section 216.7 Use Permit Amendment. A change in use may be authorized under an existing use permit by submitting a request for such change in use to the Planning Officer. The Zoning and Design Review Board may approve the change in use, with a public hearing if, in the opinion of the Zoning and Design Review Board, the new use:

- a) Clearly complies with the intent of Section 216.1;
- b) The findings made in approving the previous use can also be made for the proposed new use;
- c) The proposed new use will comply with applicable development and zoning standards.

Section 216.8 Exceptions. The Yountville Town Council may grant exceptions to the building height limit, minimum yard requirements and FAR limits stipulated in Section 216.5(3), and may consider tourist commercial development provided that tourist and visitor uses are subordinate to and lesser in intensity than the local serving commercial uses set forth in a development plan.

1. Exception Permit. In the event that an owner of a parcel of property within a 'C' District should desire to apply for an exception permit, said application for an exception permit shall be made to the Town Council, and comply with the information requirements of Section 404.2 and 404.3.
2. The Town Council may grant an exception permit only if it makes all of the following findings in addition to the findings required in Section 216.6 (5-9).

- a) The proposed development plan preserves significant viewshields and provides large view corridors through the development site.
- b) The proposed development plan is comprised of smaller buildings rather than one large building.
- c) The exceptions to height limits, minimum yard requirements and FAR limits results in development with architectural variation.
- d) That proposed tourist commercial uses are subordinate to local serving commercial uses.
- e) That there be a significant increase in landscaping over that required in Section 216.5 (3) (b) but in no case shall landscaping be less than 20% of the site area.
- f) That the granting of the exception permit is necessary to achieve the policies and objectives of the Town's General Plan.

## **SECTION 217     RMPC    RETAINED MASTER PLANNED COMMERCIAL**

Section 217.1 Purpose and Application. The Retained Master Planned Commercial District is intended to preserve the character of certain existing master planned commercial areas and certain master planned commercial developments under construction at the time of adoption of this ordinance. The RMPC District will allow for the continuance of commercial uses and commercial structures that were approved as part of a master plan and would otherwise become nonconforming under the terms of this ordinance. Existing developed areas designated RMPC will be allowed to continue to operate under the resolutions and conditions which were stipulated in their respective master plans.

The designation of an area or development as a Retained Master Planned Commercial District should not be interpreted as a decision by the Town Council that the uses and standards for the district, as designated in the associated master plans, are ones which would have been prescribed had there not been significant existing development. No new RMPC Districts, or the expansion of same, shall be allowed following the adoption of this ordinance. This district is not considered appropriate for vacant land.

Section 217.2 Uses Permitted. Only those uses, and their respective intensities and densities as stipulated in the approved master plan for the development which is on file with the Town of Yountville shall be allowed.

Section 217.3 Change In Use. A change in use may be authorized under an existing approved master plan by submitting a request in writing for such change in use to the Planning Officer. The Planning Officer may approve the change in use if in the opinion of the Planning Officer the new use:

- a) Clearly complies with the findings of approval of the master plan, and is similar in character and intensities to the range of uses approved as part of the Master Plan.
- b) The proposed new use will not generate traffic or result in a parking demand greater than the use it will replace.
- c) The proposed new use will comply with all applicable conditions and exhibits which were adopted as part of the Master Plan.

Section 217.4 Standards and Requirements. All improvements in areas zoned RMPC shall be consistent with the approved master plans on file with the Town of Yountville. These improvements include but are not limited to the following:

- a) The location, dimensions and specified materials for all roadways, walkways, bikeways and easements shown on the approved Master Plan.
- b) The location, distribution, size and dimensions of all lots or parcels of land shown on the approved Master Plan.

- c) The location and specified number of parking stalls approved as part of the Master Plan.
- d) The location, setbacks and height limits specified for all buildings and structures in the approved Master Plan.
- e) The approved elevations for all buildings associated with the Master Plan, and the exterior materials approved for all the buildings covered in the Master Plan.
- f) The number, type, species, size and distribution of all landscape materials specified in the approved landscape plan for the development.
- g) The location, size and material requirements for all utilities (e.g. water, sewer, drainage, irrigation, electrical, gas, telephone and cable) approved as part of the Master Plan.

Section 217.5 Modifications and Amendments. Any proposed modifications or amendments, other than a change in use as specified in Section 217.3, to approved master plans within the RMPC District must be processed as an amendment application under the provisions of Section 404 of this Code. Before the Town Council can approve any modification or amendment to an approved master plan the Town Council shall make all the findings required in Section 404.3(e) (1-12) of this Code.

Minor changes to an approved master plan may be authorized subject to the prior written consent of the Town's Planning Officer, provided the change is consistent with the purpose and conditions of the approved master plan. Minor changes shall not include changes in the types of uses, intensities and densities heretofore established, nor the boundaries of lots and roadways or the location of specific land uses and features.

## SECTION 218: AOO APARTMENT OPPORTUNITY OVERLAY DISTRICT

Section 218.1 Purpose and Application. The purpose and intent of this district is to provide areas where residential densities may increase in order to provide rental housing opportunities for very low, low and moderate income households. These higher densities will be considered only if they implement to a significant degree, Yountville's social housing goals. These rental developments will be considered in specified medium and high density areas as designated on the Apartment Opportunity Areas Map. Submission of a Master Development Plan for such developments will be required as provided for in Section 404.

Section 218.2 Permitted and Conditional Uses. Permitted and conditional uses shall be regulated by the underlying zoning district except as otherwise provided in this Section.

Section 218.3 Uses Requiring Master Development Plans. The following uses shall require the submission and approval of a Master Development Plan as per Section 404:

- a) Residential densities up to and including sixteen (16) units per gross acre in specified medium and high density residential opportunity areas that would otherwise exceed the underlying zoning district density.

Section 218.4 Standards and Regulations for Development. Standards and Regulations for development shall be consistent with the regulations of the underlying zoning district unless modified by approval of a master development plan as provided for under Section 218.3.

- a) Residential Density. A dwelling unit density of up to and including sixteen (16) rental units per gross acre may be allowed provided that the Master Plan implements the social housing and other goals of the Yountville General Plan.
- b) Building Type. Buildings shall be small sized duplex, triplex and apartment structures.
- c) Lot Size. The minimum lot size shall be 20,000 square feet.
- d) Dwelling Unit Size. Dwelling units shall vary in size in order to provide for families of various sizes and income levels.
- e) Building Height. The maximum height for any type of dwelling structure is twenty-five (25) feet and accessory buildings shall not exceed fifteen (15) feet.
- f) Open Space. A minimum of twenty-five percent of the site area shall be devoted to useable open space and all dwelling units shall be required to have private open space as required by Section 303.2(c) of this ordinance.

- g) Rent Limits. Forty percent (40%) of the dwelling units provided must be rented at rents affordable to low and moderate income households.
- h) Apartments which rent at levels affordable to low and moderate income households must be maintained at these defined levels for a period of at least 15 years.
- i) The developer of the apartment complex or successors in interest will be required to enter into a written agreement with the Town or its designee to guarantee the long-term availability of low and moderate income dwelling units.

Section 218.5 Findings for Approval. The following findings shall be made in approving any application for a Master Development Plan as submitted, or modified, altered or amended:

- 1) That the proposed Master Plan is consistent with Section 218.1;
- 2) That the proposed Master Plan, when utilizing the densities permitted in this district, sets aside a minimum of 40% of the units for low and moderate income households;
- 3) That the proposed Master Plan incorporates higher densities on those portions of the land where the environmental constraints are minimum;
- 4) That the proposed Master Plan provides a landscape buffer between higher densities of the development and those that are of a lesser density on adjacent and nearby parcels;
- 5) That the proposed Master Plan provides a landscape buffer for dwelling units adjacent to Highway 29, along the Western portion of the Town;
- 6) That the proposed Master Plan minimizes the bulk and massing of higher density structures;
- 7) That the proposed Master Plan is consistent with the Town's goal of maintaining a small town, rural, agricultural character;
- 8) That the proposed Master Plan incorporates, agricultural remnants and view corridors through the site;
- 9) That the proposed Master Plan conforms to the regulations set forth in Section 218.4;
- 10) That the proposed Master Plan promotes the health, safety and welfare of the Town's residents; and,
- 11) That the proposed Master Plan conforms with the intent of the Yountville General Plan.

## **SECTION 219     P-F   PUBLIC FACILITIES DISTRICT**

Section 219.1 Purpose and Application. The P-F District is designed to accommodate governmental, public utility and public educational facilities.

Section 219.2 Uses Permitted. The following uses shall be permitted in the P-F District.

- a) All facilities owned, leased or operated by the Town of Yountville, the County of Napa, the State of California, the government of the United States, the Napa Valley Unified School District, any other public district, or any public utility as defined by the public utilities code of the State of California, or nonprofit cemetery association, when such facilities and uses to the extent subject to regulation by this Ordinance are in conformity with the adopted General Plan of the Town of Yountville.

Section 219.3 Uses Requiring Use Permit.

- a) State licensed day care centers and nursery homes.

Section 219.4 Standards and Requirements

- a) Lot area. The area and frontage of the lot involved shall be sufficient for the specific intended use.
- b) Yard requirements. The minimum front, side and rear yards required in this district shall be equal to those required in the most restrictive abutting district.

## SECTION 220 CC CREEKSIDE COMBINING DISTRICT

### Section 220.1 Purpose and Application

- a) It is hereby found that Hopper Creek and an area extending laterally outward thirty-five (35) feet from the centerline of the creek constitute an important physical, environmental and aesthetic resource of the Town of Yountville and that such creek and its environs as defined constitute an important asset to all of the citizens of the Town of Yountville which should be preserved and enhanced for present and future generations. It is hereby further found that such creek and its environs are subject to periodic inundation which can result in loss of life and property, health and safety hazards, all of which adversely effect the public health, safety and general welfare. It is the purpose of the CC district regulations to protect adjacent, upstream and downstream private and public lands from direct and substantial increased flood damage from deposit of debris and other materials which are caused by flood waters, to preserve Hopper Creek and its environs by protecting the riparian cover which extends along such creek by preventing erosion of such creek's banks, preventing siltation of such creek's waters, to preserve the existing natural and visual character of such creek and its environs and to promote the broader social, economic and environmental well-being of the community by promoting the most appropriate use of land throughout the Town.
- b) The following regulations shall apply in any district with which is combined with any CC district, in lieu of the respective regulations as to building site areas and depths and widths of front, rear and side yards which are heretofore specified for such district with which is combined such CC district; provided however, that such application shall not be made in any case in which any of the following regulations are less than the corresponding regulations herein before specified for such district with which is combined such CC district. Any variance from the regulations of this CC district shall be governed by the provisions set forth in Section 401 of this ordinance.

### Section 220.2 Standards and Requirements.

- a) There is hereby established a thirty-five (35) foot setback line from the centerline of Hopper Creek. Except with the consent of the Town Council of Yountville, no person shall erect, construct or place any building, wall, fence, or other structure within any such setback line or deposit, excavate or remove any material within such setback line or remove any vegetation or tree which has a trunk larger than three inches in diameter measured at ground level within such setback line. The word structure as used in this Section 220 shall not be deemed to include any trail, walk, path, stairway leading to a building. Such consent shall be given only if the Town Council finds that the proposed work will not increase any danger of flooding to any part of the

Town of Yountville, and that the proposed work will assist in the achievement of the goals set out in Section 220 above.

Section 220.3 Effect. Any structure which now lawfully exists within such setback line may be continued as a lawfully existing non-conforming use; provided however, that in the event such structure be destroyed or demolished, it may only be rebuilt in conformity with the provisions of this Section 220.

## SECTION 221 FC FLOODPLAIN COMBINING DISTRICT

### Section 221.1 Purpose and Application

- a) It is hereby found that certain areas and properties in the Town of Yountville are subject to inundation and flooding and that the public health, safety and general welfare require the establishment of land use regulations for such areas to protect person and property from the hazards of development, to protect the community from the cost which may be incurred when unsuitable or premature development occurs in such areas and to allow uses which may be appropriate to such areas.
- b) The following regulations shall apply in any district with which is combined with any FC District, in lieu of the prescribed regulations as to land uses, building site areas, depth and width of yards and building heights provided however, that such application shall not be made in any case in which any of the following regulations are less than the corresponding regulations herein before specified for such district with which is combined such FC District.
- c) The areas of special flood hazard, identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Rate Map, is hereby adopted by reference and declared to be part of this Ordinance. The Flood Insurance Study is on file with the Town Clerk of Town Hall. When the base flood evaluation data is not sufficient to administer the Section 221, the Town Engineer shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source.

Section 221.2 Uses Permitted. The following uses shall be permitted in any district with which is combined with an FC District:

- a) Uses normally permitted in the district with which said FC District is combined subject to the standards and requirements specified in Section 221.4.
- b) Improvements, repair or reconstruction of existing buildings and structures where the cost of said improvement, repair or reconstruction is equal to or exceeds 50 percent of the market value of the structure subject to the standards or requirements specified in Section 221.4.
- c) Public parks and recreational developments, exclusive of structural improvements except for restrooms and appurtenant facilities which shall be located and constructed in accordance with applicable health and building requirements and regulations and which shall be so designed to withstand inundation due to floods.

Section 218.3 Uses Requiring Use Permits. The following uses in any district with which is combined any FC District shall require a Use Permit pursuant to Section 402:

- a) Filling of land areas, construction of levees or dikes or other flood structures designed to protect property from natural flooding.

Section 221.4 Standards and Requirements.

- a) New construction and substantial improvements of any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Upon completion of the structure, the elevation of the lowest habitable floor, including basement, shall be certified by a registered professional engineer or surveyor and provided to the Town as set forth in Section 221.6. Non-residential structures shall either be elevated in conformance with habitable structures or together with attendant utility and sanitary facilities:
  1. Be floodproof so that below the base flood level, the structure is watertight with wall substantially impermeable to the passage of water.
  2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 221.6.
- b) Only construction materials and utility equipment that are resistant to flood damage shall be used.
- c) All structures and buildings shall be designed and anchored to prevent floatation, collapse or lateral movement of the structure.
  1. Mobile homes and additions to mobile homes shall be anchored to resist floatation, collapse or lateral movement by providing an anchoring system designed to withstand horizontal forces of twenty five pounds per square foot and uplift forces of fifteen pounds per square foot.
- d) All construction methods and practices used shall minimize flood damage.
  1. The following standards are required for (a) mobile homes not placed in mobile home parks or subdivisions; (b) new mobile home parks or subdivisions; c) expansions to existing mobile

home parks or subdivisions and; d) repair, reconstruction or improvements to existing mobile home parks or subdivisions that equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(i) Adequate surface drainage and access for a hauler shall be provided.

(ii) All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. If elevated on pilings: a) the lots shall be large enough to permit steps; b) pilings shall be placed in stable soil not more than ten feet apart and; c) reinforcement shall be provided for pilings more than six feet above the ground level.

- e) All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage.
- f) Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- g) New or replacement water supply systems and/or sanitary sewer systems shall be located so as to avoid impairment of them or contamination from them during flooding.

Section 221.5 Exceptions. Improvement, repair or reconstruction of existing buildings and structures where the cost of said improvement, repair or reconstruction does not equal or exceed fifty percent of the market value of the structure shall not be subject to the standards and requirements specified in Section 221.4. Exceptions from these standards may be permitted for new structures to be built on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation. In all circumstances, exceptions may only be made by the Planning Officer in accordance with the requirements for justification, notification and recordation promulgated in Section 1910.6 of the National Flood Insurance Program regulations, Department of Housing and Urban Development, Federal Insurance Administration. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of Flood Insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 221.6 Information to be Obtained and Maintained. The Town Engineer will obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:

- a) The certified elevations required in Section 221.4 (a).

- b) The flood proofing certification required in Section 221.4 (a)(iii).
- c) Copies of written notification for those projects obtaining a variance under the provisions of Section 221.5

Section 221.7 Definitions. Unless specifically defined below, words or phrases used in administering the National Flood Insurance Program, shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

"Area of Special Flood Hazard". The land in the Flood Plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH, AI-30, VO V1-30 on the FIRM.

"Base Flood". The flood having a one percent chance of being equaled or exceeded in any given year.

"Development". Any man-made change or improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of Special Flood Hazard.

"Flood Insurance Rate Map". (FIRM) The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study". The official report provided by the Federal Insurance Administration that includes flood profiles the FIRM, the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Mobile Home". A structure that is transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.



ARTICLE III  
TOWN-WIDE REGULATIONS



## ARTICLE III TOWN-WIDE REGULATIONS

### SECTION 301 HOME OCCUPATIONS

Section 301.1 Purpose. These regulations are intended to prescribe conditions under which limited non-residential activities may be conducted in residential districts when incidental to residential uses.

### Section 301.2 Standards and Requirements

- a) As used in this Ordinance, a home occupation is defined as an accessory use of a non-residential nature (see Section 110, Definitions) which is performed within a residential dwelling, or within a portion of a garage or accessory building, and by an occupant of the dwelling and which is incidental to the residential use of the dwelling.
- b) The area devoted to a home occupation shall occupy no more than 25% of the gross floor areas of the dwelling unit and any accessory building.
- c) Home occupations conducted within a garage shall not be operated so as to eliminate or make useless required off-street parking spaces.
- d) Employment shall be confined to the residents of the dwelling unit except that the Zoning and Design Review Board may allow one employee who is not a resident provided the following findings can be made.
  - 1. The employee works under the direction of the resident of the dwelling and is not an independent or separate business enterprise.
  - 2. The employee is necessary to the performance of the home occupation.
  - 3. Employment would be during the hours of 8:00 a.m. to 6:00 p.m.
  - 4. The allowance of an employee would not require the use of parking required for the residence or create on-street parking problems in the neighborhood.
  - 5. Under normal circumstances, the average residential neighbor would not be aware of the existence of the home occupation.
- e) There shall be no addition, alterations, or exterior operation of any home occupation.

- f) The home occupation shall not generate or result in pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- g) Articles offered for sale in connection with above occupation shall be limited to those produced on the premises, except where the person conducting the home occupation serves as an agent or intermediary between off-site suppliers and off-site customers, in which case all articles, except for samples, shall be received, stored and sold directly to customers, at off-premise locations.
- h) There shall be no outside display or window display of materials or products; no outside sign or window sign shall advertise or otherwise identify the home occupation except for one non-moving and non-illuminated sign with a display surface of not more than one square foot on any face. No commercial or passenger vehicle carrying any sign advertising or otherwise identifying the home occupation shall be regularly parked either on any portion of the lot where such sign is visible or at or near any lot line of the lot containing the home occupation.
- i) No home occupation shall be permitted which:
  - 1. Creates noise, odor, electrical disturbances, dust vibrations, fumes, or smoke readily discernible at the exterior boundaries of the parcel on which it is situated.
  - 2. Involves the storage of equipment or supplies outside of the dwelling or any accessory structure, the care, treatment, or boarding of animals for profit, the operation of a beauty parlor with more than two hair drying machines, or the teaching of organized classes totalling four (4) or more persons at any one time.

## SECTION 302     OFF-STREET PARKING AND LOADING

Section 302.1 Purpose. These regulations are intended to provide accessible and well-maintained off-street parking and loading areas so as to reduce traffic congestion and thereby allow the more efficient utilization of the street right-of-way.

### Section 302.3 Standards and Requirements.

#### a) General Requirements:

1. When any main building is constructed, enlarged, or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading space required, additional parking or loading spaces shall be required as provided herein.
2. Fractional space requirements shall be counted as a whole space.
3. No portion of any front yard, or any side yard on the street side of a corner lot, shall be used for off-street parking or loading purposes.
4. Off-street parking spaces for single-family dwelling shall be located on the same lot as the dwelling served. Off-street parking spaces for all other dwellings shall be located on the same lot as, or not more than two hundred fifty (250) feet from, the dwelling served. Off-street parking spaces for all non-residential uses shall be located on the same lot as, or not more than three hundred fifty (350) feet from, the use served. To ensure the perpetuation of the parking space requirements herein, owners of any such lots shall execute a declaration of restrictions and covenants covering said lot or lots in a form acceptable to the Town Council setting aside the required space for parking only, which restrictions and covenants may be waived only by consent of the owners of more than one-half (1/2) of the said lots and the consent of the Council.
5. Parking areas shall not be used for the repair or storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.
6. When two or more uses are located in the same building and/or in common developments, or when parking facilities for different buildings or uses are provided collectively, the parking requirements shall be the sum of the separate requirements for each use, except as otherwise provided in this Ordinance.

7. Sufficient bicycle storage space, as determined by the Planning Officer, shall be provided in all parking areas of ten (10) or more spaces.
8. The off-street parking space requirements for any non-residential use may be waived or reduced, or for any residential use may be reduced by the Zoning and Design Review Board or Town Council when said uses are located within a municipal parking or assessment district, the function of which is to provide off-street parking facilities.
9. Where joint parking facilities are provided for two (2) or more commercial uses in a planned commercial development, the minimum requirement may be reduced to seventy-five percent (75%) of the sum of the requirements for the various uses computed separately, when the combined requirements total twenty (20) or more spaces.
10. Requirements for types of buildings or uses not specifically listed herein shall be determined by the Planning Officer based upon the requirements for comparable uses listed and on the particular characteristics of the building or use.

b) Requirements by Land Use Type. Off-street parking and loading spaces shall be provided according to the following schedule:

#### Residential Uses Parking

Single-Family Dwellings and Mobile Homes	Two (2) spaces per dwelling unit, screened from street view.
Second Residential Units	One covered space per unit.
Multi-Family Dwellings with Three or More Bedrooms	Two (2) spaces per dwelling unit, at least 50% of which spaces shall be covered.

#### Health-Related Uses Parking

Hospitals	One (1) space per bed.
Extended Care Facilities	One (1) space per three (3) beds.
Medical and Dental Offices	One (1) space per two hundred (200) square feet of floor area.

#### Public Uses Parking

Theaters, Church, and School Auditoriums, and Other Places of Assembly:

With fixed seats	One (1) space per four (4) seats.
Without fixed seats	One (1) space per one hundred (100) square feet of floor area used for assembly space.
Nursery and Elementary Schools	One (1) space per each classroom and office, plus ten (10) spaces for visitor parking.
<u>Commercial and Industrial Uses Parking</u>	
Restaurants, Cafes, and Bars	One (1) space per two hundred (200) square feet of floor area.
Hotels and Motels	One (1) space per room.
Retail Stores and Personnel Services	One (1) space per two hundred and fifty (250) square feet of floor area.
Business and Professional Offices (not including medical and dental offices)	One (1) space per three hundred (300) square feet of floor area.
Heavy Commercial and Industrial Uses	One (1) space per eight hundred (800) square feet of floor area.

#### Loading

#### Commercial and Industrial Uses with Floor Areas:

10,000 - 24,999 square feet	One berth
Each additional 25,000 square feet	One berth

#### c) Design Requirements.

- 1) All off-street parking and loading areas shall comply with the following minimum dimensions:

#### Parking

<u>Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>	<u>Aisle Width</u>	
			<u>One-Way</u>	<u>Two-Way</u>
Parallel	9'	24'	12'	20'
45 degrees	9'	20'	16'	20'
60 degrees	9'	21'	18'	20'
Perpendicular	9'	19'	24'	24'

Twenty percent (20%) of the required spaces in parking areas with five (5) required spaces or more may be devoted to compact car spaces, according to the following schedule:

<u>Angle</u>	<u>Stall Width</u>	<u>Stall Length</u>
Parallel	7'	20'
45 degrees	7'-6"	16'
60 degrees	7'-6"	17'
Perpendicular	7'-6"	16'

Loading

	<u>Berth Width</u>	<u>Berth Length</u>	<u>Berth Height</u>
Heavy Commercial and Industrial Uses	12'	45'	15'
Mortuaries	10'	25'	8'
All Other Uses	11'	35'	14'

d) Other design requirements for off-street parking areas shall include:

(i) Any artificial lighting which is provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

(ii) Bumpers, posts, wheel stops, or other acceptable devices shall be provided on all parking spaces located along property lines, and set back a minimum of one and one-half (1 1/2) feet from the boundary of the parking lot.

(iii) Access drives to off-street parking areas shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of access drives shall be limited to the minimum that will accommodate anticipated traffic. In no case shall access drives be less than 100 feet apart, measured center to center. Except for single-family dwellings, groups of more than two parking spaces shall be so located and served by an access drive that their use will require no blocking movements or other maneuvering within a street right-of-way.

(iv) A screening device not less than six feet in height and constructed of dense landscaping, or of a fence, wall, grill, or other material, shall be required along all interior property lines for all off-street parking spaces abutting a residential use. Moreover, all off-street parking areas having six (6) or more spaces shall be

provided with screening and landscaping according to the following standards:

[a] One (1) tree shall be provided for every eight (8) parking spaces, except that parking areas of six (6) or more spaces shall also require at least one (1) tree. Said trees shall be planted in tree wells of at least four by four feet (4' x 4') in locations approved by the Planning Officer, and shall be provided with a means of irrigation and maintained in a living condition.

[b] Landscaping not less than thirty-six (36) inches in height and thirty-six (36) inches in width shall be required along all street-side property lines not occupied by driveways, except within 35 feet of the street corner of any corner lot, the height of any landscaping or screening may be required to be reduced in height or set back from the property line such distance as the Planning Officer shall deem necessary for public safety. Said landscaping shall be provided with an acceptable irrigation system and shall be planted with evergreen shrubs.

[c] All planters and tree wells shall be enclosed by a concrete curb or other solid material (not including asphalt) not less than six (6) inches in height.

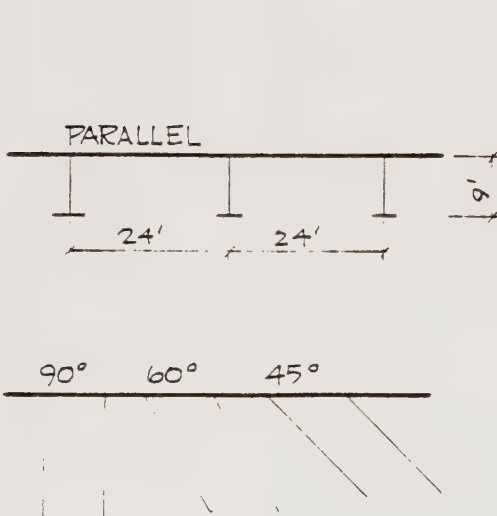
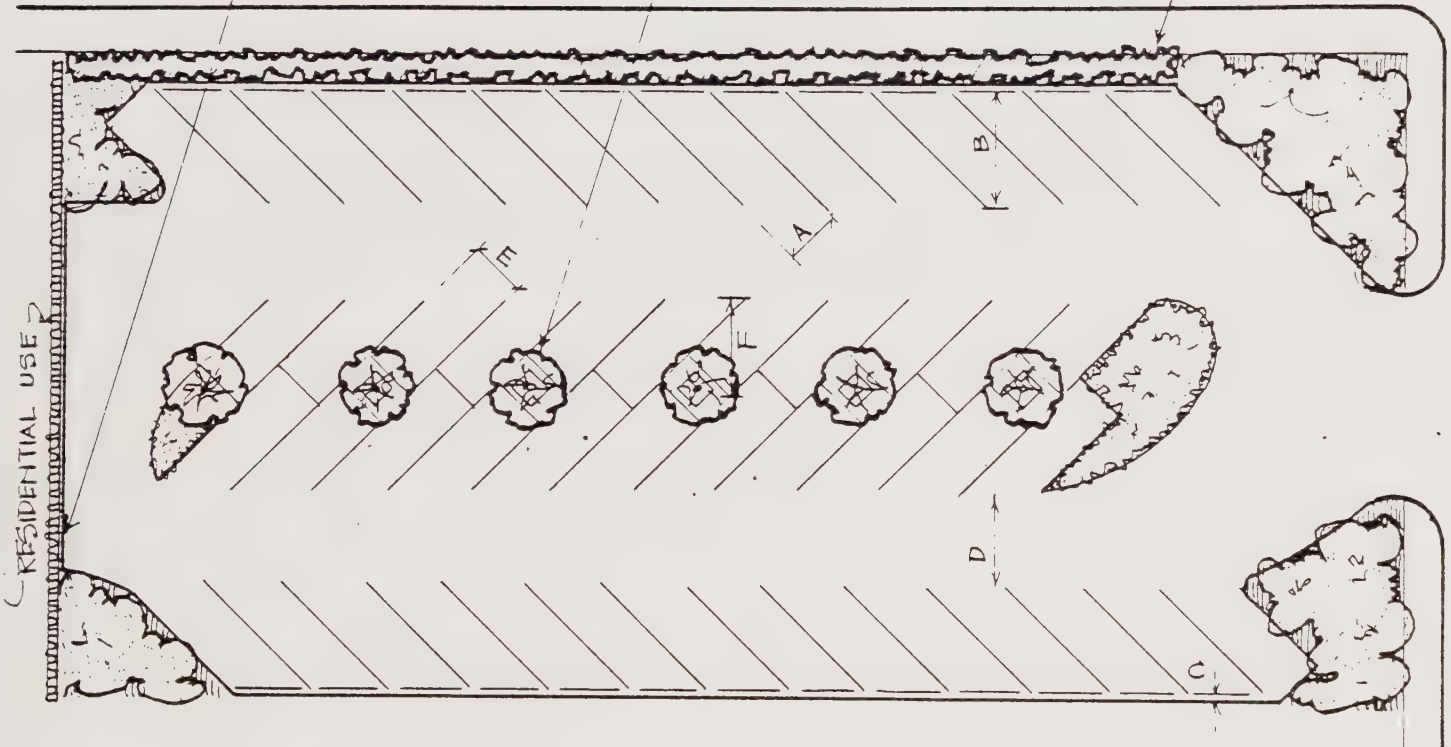
## OFF-STREET PARKING STANDARDS

Note: This diagram is for purposes of illustration only.

A screening device, at least 6' in height, is required along interior property lines abutting a residential use.

At least one tree, planted in a well of at least 4' x 4', is required for every eight parking spaces.

Landscaping at least 3' high and 3' wide is required along street side property lines not occupied by driveways, except within 35' of a street corner.



		Parallel	45°	60°	90°
STALL WIDTH	A	9'	9'	9'	9'
STALL LENGTH	B	24'	20'	21'	19'
OVERHANG	C	--	1'-6"	1'-6"	1'-6"
AISLE WIDTH	D ONE-WAY TWO-WAY	12' 20'	16' 20'	18' 20'	24' 24'
COMPACT CAR* STALL WIDTH	E	7'	7'-6"	7'-6"	7'-6"
COMPACT CAR* STALL LENGTH	F	20'	16'	17'	16'

\*20% of the required parking spaces may be devoted to compact cars.

## SECTION 303      USABLE OPEN SPACE

Section 303.1 Purpose. These regulations are intended to set forth standards for the development of usable open space necessary to fulfill needs for outdoor leisure and recreation, to preserve valuable natural resources, and to improve the amenity of residential living.

### Section 303.2 Standards and Requirements.

#### a) Usable Open Space.

- 1) Usable open space includes land which is accessible and available to all residents for whose use the space is intended.
- 2) Usable open space does not include proposed street rights-of-way or school sites, public and private surface easements, accessory buildings, open parking areas, driveways, and accessways for the dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance, and required front yards.
- 3) Suitable recreational structures designed to be consistent with the intent of the ordinance are not considered accessory buildings to the main buildings, and therefore are not included in measuring coverage and shall be considered usable open space.

#### b) Common Usable Open Space.

- 1) Common usable open space is that open space either:
  - (i) Controlled and maintained by the owner of the property, or by an incorporated non-profit homeowners' association and devoted exclusively to the recreation, scenic, and leisure use of all the occupants of the property, or:
  - (ii) Dedicated in fee to, and maintained by, a public agency or recreation district, and devoted to the recreation, scenic, and leisure use of the population that will occupy the district.
- 2) Any area to be credited towards common usable open space, except for landscaped areas, shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than fifteen (15) feet, and, in so far as is possible, shall be contiguous with other common usable open space on or adjacent to the site.

- 3) All required common usable open space shall be permanently maintained and fully usable. There shall be no obstructions over ground-level space except for devices to enhance its usability. Common usable open space shall not be fenced or otherwise screened so as to restrict the continuity of or visual access to the open space.
- 4) Well designed decks on roof spaces, garages, carports, or accessory buildings may be credited to the total required common usable open space requirements. To be well designed a deck must be functional and aesthetic in the judgment of the Planning Officer, and must be structurally safe and adequately surfaced and protected, and usable for the purpose for which it is designed.

c) Private Usable Open Space

- 1) Private usable open space is that open space devoted exclusively to the recreation and leisure use of one dwelling unit and is located immediately adjacent to one unit of the development.
- 2) Every unit in a multi-family dwelling or any dwelling built in conjunction with a commercial structure shall be provided with private usable open space.
- 3) Any ground-level area credited towards, private usable open space shall not be less than 100 square feet in area, and shall be of such size and shape that a rectangle inscribed within it shall have no dimension less than five (5) feet.
- 4) Not more than 60 percent of the space devoted to private usable open space may be covered by a private balcony projecting from a higher story. A screening device not greater than six feet in height and constructed of dense landscaping, or a fence, wall, grill, or other screening device, may be required to abut private usable open space if in the judgement of the Planning Officer, the needs for establishing a pleasant outdoor leisure and recreation environment would thereby be met.

Section 303.3 Procedures. The Zoning and Design Review Board or Town Council shall, as a condition of approval, require the applicant to employ any appropriate methods to ensure the permanent status and maintenance of common usable open space.

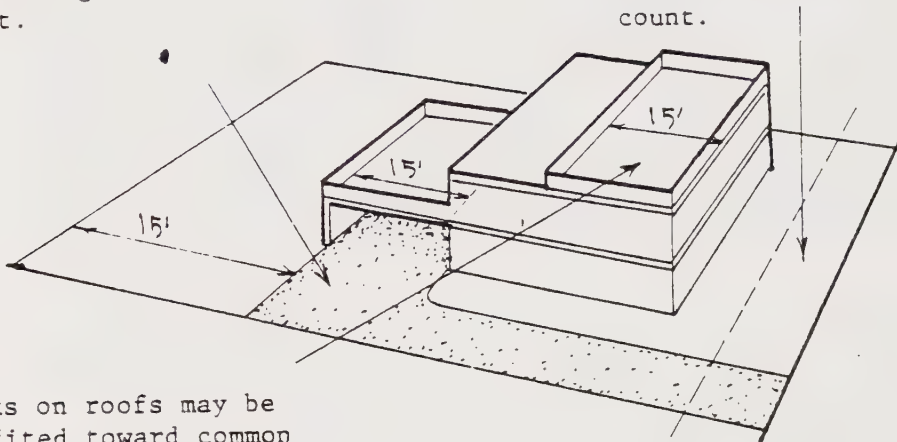
## USABLE OPEN SPACE STANDARDS

Note: This diagram is for purposes of illustration only.

## COMMON

Driveways and service  
or parking areas do not  
count.

Space within required  
front yards does not  
count. |



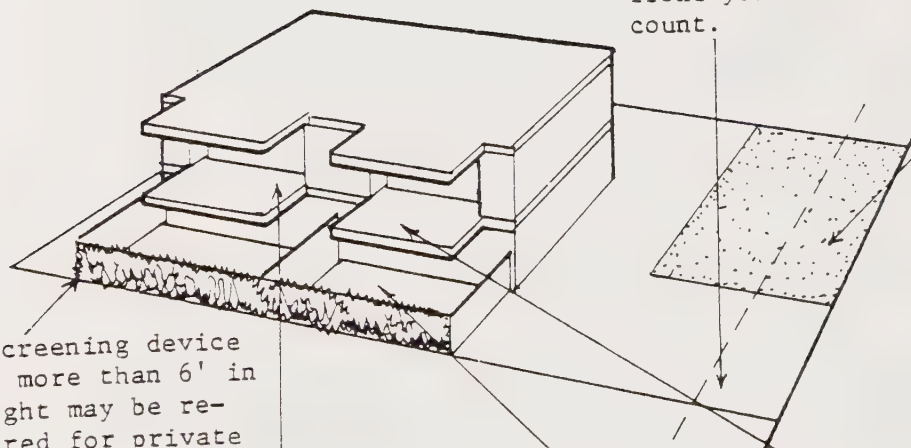
Common usable open space must be accessible to all living units on the lot. It must contain a rectangle with a 15' minimum dimension.

Decks on roofs may be credited toward common usable open space requirements.

PRIVATE

Space within required front yards does not count.

Driveways and service  
or parking areas do  
not count.



A screening device not more than 6' in height may be required for private ground-level open space.

Private usable open space must be accessible and located immediately adjacent to a single living unit.

Above ground-level space must be not less than 50 sq. ft. in area and must contain a rectangle with a 5' minimum dimension.

Ground-level space must be not less than 100 sq. ft. in area and must contain a rectangle with an 8' minimum dimension.

Not more than 60% of the space may be covered by a private balcony projecting from a higher story.

## SECTION 304      LANDSCAPING AND SCREENING

Section 304.1 Purpose. These regulations are intended to protect individual properties from traffic, noise, heat, glare, and dust, and to improve the appearance of neighborhoods in Yountville, by providing adequate landscaping and screening.

### Section 304.2 Standards and Requirements.

- a) Maintenance. All required planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, weeding, cleaning, fertilizing, and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. All screening shall be in sound structural condition, and whenever necessary, repaired and replaced.
- b) Materials. Where trees are required, they shall be of a species, degree of maturity, and spacing acceptable to the Planning Officer. Where dense landscaping to a specified height is prescribed, the landscaping shall be of a type which will provide a year-round barrier to the prescribed heights, and shall be so spaced that vision of objects on the opposite side is effectively eliminated.
- c) Height Requirements.
  - 1) The prescribed heights of required landscaping, fences, or walls shall be measured above the actual adjoining level of finished grade, except that where parking, loading, storage, or similar areas, or usable open space, are located above finished grade the height of landscaping and screening shall be measured above the adjoining level thereof.
  - 2) A landscaped earthen berm may count toward required heights of landscaping and screening.
  - 3) Where a specific height of planting is required herein, such landscaping shall be not more than 2 feet lower than said height at the time of planting in the case of a prescribed height of 5 feet or more, and shall not be more than one foot lower than said height at the time of planting in the case of a prescribed height of less than 5 feet.
  - 4) Prescribed fences, walls, or dense landscaping need not be provided along a lot line if a fence, wall, or dense landscaping of at least equivalent height, density, and maintenance exists immediately abutting and on the opposite side of said lot line.

- 5) For residential uses, the maximum height above grade of screening or landscaping primarily intended or designed for fencing purposes shall not exceed three (3) feet in a front yard, and six (6) feet in a side and rear yard.
- 6) Dense landscaping or a solid wall or fence of a minimum height of six (6) feet shall be provided:
  - (i) Along the rear said property lines of any non-residential use which abuts on a residential use;
  - (ii) To screen any open area used for the storage of goods, materials, or wastes from view from abutting properties and from public rights-of-way. All openings for accessways shall be provided with solid gates or other devices constructed of view-obscuring materials.
  - (iii) To screen any open area used to display goods or material for sale from abutting properties.
- 7) A screening device not less than four (4) feet in height, and constructed of landscaping, or a fence, wall grill, or other open work design of attractive material, may be required by the Zoning and Design Review Board or Town Council to screen all or part of an open area used to display goods or materials for sale from public rights-of-way, where, in the opinion of the Zoning and Design Review Board or the Town Council, such a screening device is necessary to ameliorate the adverse visual impact of said open area, and to ensure that the appearance of said open area is compatible with the scale and a character of surrounding developments and with the beauty and liveability of the Town. In reaching a determination, the Zoning and Design Review Board or Town Council shall consider: the bulk, shape, color, and other design characteristics of the goods and materials offered for sale; the lot width or the extent of premises devoted to outdoor display and/or sales; and any other design and performance criteria particular to the site or activity.
- 8) Within 35 feet of the street a corner of any corner lot the height of any landscaping, fences or walls are prescribed in this Section 304 may be required to be reduced to a 3 feet in height or to be set back from the property line such distance as the Planning Officer shall deem necessary for public safety.

## SECTION 305 YARDS

Section 305.1 Purpose. These regulations are intended to ensure that required yard areas remain open and unobstructed while accommodating necessary accessory facilities.

### Section 305.2 Standards and Requirements.

- a) No yard or other open space provided about any building for the purpose of complying with the regulation of this Ordinance shall be considered as providing a yard or open space for any other building or structure, unless approved in a Master Development Plan pursuant to the Planned Development Review procedure of this Ordinance.
- b) All required yards on street frontage of lots shall be measured from any established building or setback line, provided however that if any official plan line is established for any street as part of a street and highway master plan, all required yards shall be measured from such official plan line.
- c) No accessory building shall be located in a front yard, or in a side yard on the street side of a corner lot.
- d) Projections.
  - 1) The following facilities may project into the minimum required yard according to the following schedule:

Accessory Facility	Front Yard	Side Yard on Street Side of Corner Lot	Interior Side Yard	Rear Yard
Balconies, decks, open porches & similar usable open space.	6'	5'	3'	6'
Outside stairways, exterior corridors, fire escapes, & other exterior access facilities.	4'	4'	-	4'
Eaves, awnings, sills, cornices, flumes, chimneys, air conditioners, & similar architectural features & appliances.	4'	4'	2'	4'

- 2) No projection shall extend into a public utility easement nor shall any projection reduce accessways or walks at ground-level to less than three (3) feet in unobstructed width.

## SECTION 306     SIGNS

Section 306.1 Purpose. The Town of Yountville recognizes that signs have an obvious impact on the Town's character, and when regulated and controlled, can facilitate clarity, aesthetic appeal, an increase in commerce and tax revenues, orderliness, and harmony resulting in an overwhelming positive impression upon residents and visitors alike.

This Ordinance recognizes the right of the public to be directed, warned, advised, and informed and also recognizes the need for a sign to function as a means of identification.

The purpose of this Ordinance is to assist in the continuation of existing and introduction of new commercial activities in architectural harmony with the existing and planned Town, to encourage excellence of design which will provide signing compatible with the atmosphere of the Town that attracts both residents and visitors, to take advantage of the unusual character of the Town, and to encourage proper maintenance and rehabilitation of real property.

### Section 306.2 Definitions.

- a) Sign. Anything used for the purpose of advertising, announcing, declaring, displaying, or demonstrating a service, product, business, or activity, or of attracting the attention of the public for the same.
- b) Advertising Sign. A sign which has as its main purpose the advertisement of products or services, rather than the identification of a business activity.
- c) Advertising Statuary. A statue or other three dimensional structure in the form of an object that identifies, advertises, or otherwise directs attention to a service, product, business, or activity; not including clock signs or barber poles.'
- d) Animated Sign. A sign which has an actual or apparent moving, revolving, fluttering, spinning or reflecting device, or rotating part actuated by electrical, mechanical, or other device or by wind current; not including barber poles and clock signs.
- e) Awning. Any roof-like cover, usually of canvas, extended over or before a structure to afford protection from the elements.
- f) Billboard. Any sign, whether free-standing or affixed or otherwise attached to a structure, which directs attention to a use, product, service, or similar function not conducted or sold upon the site upon which the sign is located or in the structure to which the sign is attached or otherwise affixed.

- g) Building Frontage, Primary. The distance in feet measured along the horizontal dimension of a wall or walls of a structure abutting or fronting a public street, or right-of-way, but not including freeways. For a structure with more than one building frontage, the primary building frontage shall be designated by the Town Planning Officer.
- h) Building Frontage, Secondary. The building frontage of a structure other than the primary building frontage.
- i) Bulletin Board. A board, either free-standing or attached to a wall, on which bulletins or notices are posted.
- j) Construction Sign. A sign stating the name and address of those individuals or firms directly connected with a construction project and/or the name of the owner or ultimate user.
- k) Clock Sign. A sign, whether attached or free-standing, which indicates the time.
- l) Directional Sign, Off-Site. A sign which shows the location of or direction to a use, product, service, or similar function not conducted or sold upon the site upon which the sign is located or in the structure to which the sign is attached or otherwise affixed.
- m) Directional Sign, On-Site. A sign used to regulate the on-site flow of pedestrians and vehicles on private property, including signs which regulate parking, and "enter" and "exit" signs.
- n) Eave Line. That portion of a building where the lower border of the roof touches or overhangs the wall or walls.
- o) Flags, Banners, Pennants. Devices generally made of flexible materials, usually cloth, paper, or plastic, which may or may not bear any copy.
- p) Flashing Sign. A lighted sign which flashes on and off.
- q) Free-Standing Sign. Any sign erected for the primary purpose of being seen by travelers on a freeway.
- r) Freeway Sign. A sign erected for the primary purpose of being seen by travelers on a freeway.
- s) Ground Sign. A free-standing sign.
- t) Interior Sign. A sign which is located on the interior of a building or structure and is not visible from any public property or any right-of-way open to the public.
- u) Internally Illuminated Sign. A sign which is provided with illumination from behind a transparent or translucent surface.

- w) Marquee. A temporary or permanent structure attached to or supported by a building, designed for shelter over a pedestrian or vehicular way and which may or may not project over public property and which may or may not be designed to allow for changing copy.
- x) Memorial Sign. A sign designating the location of a place of historical value or interest.
- y) Mural. A picture or decoration which is painted on or otherwise applied directly to a wall.
- z) Name Plate. A sign which states the name and/or address of the occupant of a building.
- aa) Neon Sign. A sign which is illuminated in whole or in part by neon or similar gas.
- bb) Newspaper Vending Machine Sign. A sign attached to a newspaper rack or vending machine which identifies the newspaper being offered for sale.
- cc) "Open Signs", Etc.. Signs indicating "open" or "closed", business hours, emergency telephone numbers, and credit cards.
- dd) Permanent Sign. A sign which is maintained in excess of 15 consecutive days.
- ee) Planning Officer. The person charged with the administration and enforcement of appropriate provisions of this Ordinance. As used herein, the term "Planning Officer" shall mean the Planning Officer or the Planning Officer's designee.
- ff) Pole Sign. A free-standing sign which is in excess of 7 feet tall.
- gg) Political Sign. A sign seeking votes at an election for or against a public issue or candidate for public office.
- hh) Portable Sign. A sign which is movable, not structurally attached to the ground, nor to a building or sign. Portable signs include, but are not limited to, "A-frames" and "sandwich boards".
- ii) Primary Sign. A sign requiring a sign permit under the provisions of this Ordinance which is located on the primary building frontage of a structure.
- jj) Projecting Sign. A sign which is suspended or supported by a building or wall and which projects out from the building or wall.

- kk) Public Agency Sign. A sign erected by a public agency including, but not limited to, a street sign, traffic sign, and an emergency warning.
- ll) Public Notice. A notice posted by a public officer in the performance of a duty, or by any person for the purpose of giving legal notice; and a warning or informational sign required or authorized by governmental regulations.
- mm) Real-Estate Sign. A sign which serves solely to announce the sale, lease or rental of or offer to build to suit on improved or unimproved property and which is located upon the parcel or improvement referred to on said sign.
- nn) Roof-Sign. A sign which is attached to the roof of a building or which projects above the eave line of the building to which it is attached.
- oo) Secondary Sign. A sign requiring a sign permit under the provisions of this Ordinance which is located upon the secondary building frontage of a structure.
- pp) Suspended Sign. A sign which is suspended under a marquee, porch, awning, walkway covering or similar covering structure.
- qq) Temporary Sign. A sign erected on the interior side of the window of a building and maintained for no more than 15 days during any 90 day period.
- rr) Vehicle Display Sign. A sign attached to a motor vehicle which is parked with the primary purpose of advertising to the public passing by.
- ss) Wall Sign. A sign which is attached to and parallel to the exterior wall of a structure. A sign on an awning, and a sign painted directly on a wall are wall signs.
- tt) Window Sign. A business identification sign permanently maintained in or painted upon a window, or which is visible and intended to be viewed from outside the window. Neither merchandise offered for sale nor temporary window signs are to be considered as window signs.

Section 306.3 Prohibited and Permitted Signs.

- (a) The following signs shall be prohibited or permitted as indicated, and shall be subject to the conditions specified.

TYPE OF SIGN	PROHIBIT	PERMIT	SIGN PERMIT REQUIRED	CONDITIONS & EXCEPTIONS
1. ADVERTISING SIGNS	X			See Section 306.8
2. ADVERTISING STATUARY	X			See Section 306.12(c) for exceptions.
3. ANIMATED SIGNS	X			No exceptions.
4. AUTOMOTIVE SERVICE STATION PRICE SIGNS		X		Shall require approval of the Planning Officer. The number and size of signs shall not exceed minimum standards as set forth by the California Department of Weights and Measures.
5. BARBER POLES		X		Shall require approval of the Planning Officer. Shall be limited to barber shops.
6. BILLBOARDS	X			No exceptions.
7. BULLETIN BOARDS		X		Shall be limited to theatres and public, charitable, or religious institutions. Size shall not exceed 20 sq. ft.
8. CLOCK SIGNS		X		Shall require approval of the Planning Officer. Shall be limited to premises which have as their principal activity the repair or sale of clocks, watches, and similar time-keeping devices.
9. CONSTRUCTION SIGNS		X		Shall be limited to one non-illuminated sign per site of construction. Shall not exceed 24 sq. ft. and shall be removed prior to building occupancy.
10. DIRECTIONAL SIGN, OFF-SITE	X			See Section 306.12(c) for exceptions.
11. DIRECTIONAL SIGN, ON-SITE		X		Shall require approval of the Planning Officer. Sign size shall not exceed 4 sq. ft.

TYPE OF SIGN	PROHIBITED	PERMITTED	SIGN PERMIT REQUIRED	CONDITIONS & EXCEPTIONS
12. EXTERNALLY ILLUMINATED SIGNS		X		See Section 306.7(a)(3)
13. FLAGS, BANNERS AND PENNANTS	X			United States and California State flags shall be permitted. Flag poles for such flags shall not exceed the height limitations of the zoning district in which the flag pole is located, and shall be limited to one flag pole per lot. See Section 306.12(c) for exceptions.
14. FLASHING SIGNS	X			No exceptions.
15. FREE STANDING			X	See Sections 306.5(a) and (d)
16. FREEWAY SIGNS	X			No exceptions.
17. GROUND SIGNS			X	See FREE STANDING SIGNS
18. INTERNALLY ILLUMINATED SIGNS			X	See Section 306.5(e)
19. INTERIOR SIGNS		X		
20. MEMORIAL SIGNS		X		Shall not exceed 3 sq. ft.
21. MULTI-FACED SIGNS		X		See Section 306.6(c)
22. MURALS	X			See Section 306.12(c) for exceptions.
23. NAMEPLATES, COMMERCIAL		X		Shall be limited to one per door per premise. Shall not exceed 1 sq. ft. per nameplate.
24. NAMEPLATES, RESIDENTIAL		X		Shall not exceed 1 sq. ft.
25. NEON SIGNS	X			No exceptions.
26. NEWSPAPER VENDING MACHINE SIGNS		X		Shall be limited to one sign per vending machine or rack. Shall not exceed 2 sq. ft.

TYPE OF SIGN	PROHIBITED	PERMITTED	SIGN PERMIT REQUIRED	CONDITIONS & EXCEPTIONS
27. "OPEN" SIGNS, ETC.		X		Shall not exceed 1 sq. ft. per sign, and the total of all such signs, at any single establishment, shall not exceed 4 square feet.
28. POLE SIGNS	X			No exceptions.
29. POLITICAL SIGNS		X		Shall not exceed 8 sq. ft. Shall be removed within 7 days after the election and shall not be located on public property.
30. PORTABLE SIGNS	X			No exceptions.
31. PRIMARY SIGN			X	See Section 306.5(a).
32. PROJECTING SIGNS			X	See Section 306.5(a) and (e).
33. PUBLIC AGENCY SIGNS		X		
34. PUBLIC NOTICES		X		
35. REAL ESTATE SIGNS		X		Shall be limited to one non-illuminated sign per structure or lot. Shall not exceed 6 sq. ft. and shall be removed within 15 days after sale, rental, or lease. For commercial developments, or residential subdivisions of 5 lots or more, exception may be granted per Section 306.12(c).
36. ROOF SIGNS	X			No exceptions.
37. SECONDARY SIGN			X	See Section 306.5(a)
38. SUSPENDED SIGNS			X	Shall be located so as to provide clear and safe access to pedestrians who may pass under or near said suspended sign. See Section 306.5(a).
39. TEMPORARY SIGNS		X		See Section 306.5(b).
40. VEHICLE DISPLAY SIGNS	X			No exceptions.

TYPE OF SIGN	PROHIBITED	PERMITTED	SIGN PERMIT REQUIRED	CONDITIONS & EXCEPTIONS
41. WALL SIGNS			X	See Section 306.5(a) and (c).
42. WINDOW SIGNS			X	See Section 306.5(a).

- b) The following signs shall also be prohibited.
  - 1) Signs affixed to a utility pole or structure, tree, shrub, rock, or other natural object.
  - 2) Signs which have a design or lighting such that they might be mistaken for a traffic light or signal, or are located so as to obstruct free and clear vision of any authorized traffic sign, signal, or device; or which because of their location would prevent free ingress or egress to any door, window, or fire escape.
  - 3) Signs which are dilapidated, abandoned, or in disrepair or dangerous condition.,
  - 4) Any sign not expressly permitted in Section 306.3 or 306.12.

Section 306.4 Sign Permit Required.

- a) No sign which requires a Sign Permit as indicated in Section 306.3 or 306.12 hereof shall be erected, relocated, constructed, or altered within the Town until a Sign Permit for the same has been issued by the Planning Officer.
- b) An application for a Sign Permit shall be filed for approval with the Planning Officer. The application shall be on a form provided by the Town and shall require the applicant to submit a plan showing the location, size, shape, color, materials, copy, and type of illumination for each proposed sign, and any other information as deemed necessary by the Planning Officer.
- c) A Sign Permit shall not be issued by the Planning Officer unless the proposed sign complies with the provisions of this Ordinance and, where required herein, authorization for such issuance has been granted by the Zoning and Design Review Board or Town Council.
- d) Upon approval of a Sign Permit, the Planning Officer may impose any conditions deemed necessary to ensure that each proposed sign complies with specific criteria and general intent of this Ordinance.
- e) Signs which would otherwise require a Sign Permit under the provisions of this Ordinance, but which are lawfully in existence on the effective date of this Ordinance may be maintained without the issuance of a Sign permit, except that such signs shall not be enlarged, redesigned, relocated, or otherwise altered without a duly authorized Sign Permit as provided herein.

Section 306.5 Standards and Requirements.

a) General.

- 1) Permitted signs for which no sign permit is required are allowed in addition to the number and size limitations contained herein.
- 2) Except as provided elsewhere in this Ordinance, the total number of individual signs for any building site shall not exceed one primary and one secondary sign.
- 3) The total permitted sign area for any building shall not exceed one half (1/2) square foot of signage per one foot of lineal primary building frontage, or twenty-five (25) square feet, whichever is less.
- 4) For a building with more than one building frontage, the total permitted sign area as set forth in Section 306.5 (a)(3) may be increased by fifty (50) percent. Permitted sign area may be distributed among individual signs at the option of the sign owner, except that no individual sign shall exceed the size limitations set forth in Section 306.5(a)(3).

b) Temporary Signs: In addition to the authorizations and limitations contained elsewhere in this Ordinance, a business may install and maintain temporary signs on a window of the premises for the purpose of advertising a bona fide special sale or promotion on the premises, subject to the following conditions:

- 1) Each temporary sign shall have written on its face the date the sign was installed. The date shall be located on the sign so that it is conveniently legible from outside the window.
- 2) A business may install and maintain temporary signs for no more than 15 days during any 90 day period.
- 3) No more than 25% of a window may be covered by temporary signs.
- 4) Temporary signs shall be permitted on and the interior side of a window only, and shall not be permitted on walls, posts, roofs, awnings, or any other exterior portion of a structure or building.

c) Wall Signs.

- 1) No wall sign shall project beyond the ends or top of the surface to which it is attached.
- 2) No wall sign shall extend more than three (3) inches from the surface to which it is attached.

- d) Free-Standing Signs: Applications for Sign permits to erect free-standing signs shall require approval by the Zoning and Design Review Board. The Zoning and Design Review Board may approve the application and authorize the Planning Officer to issue a Sign Permit only when the Board makes the following findings:
- 1) A free-standing sign is the most feasible means by which the business conducted on the premises can have the same degree of identification to the public as that available to businesses on neighboring premises without free-standing signs; and
  - 2) The sign will not give the business on the premises a greater identification to the public than that available to businesses on neighboring premises without free-standing signs, and will not result in an unfair advantage; and
  - 3) The sign is consistent with the intent and provisions of this Ordinance; and
  - 4) The sign, together with all other signs on the premises, does not exceed the allowable square footage as set forth in Section 306.5 (a); and
  - 5) The sign does not exceed three (3) feet in height.
- e) Internally Illuminated and Projecting Signs: The Zoning and Design Review Board shall review applications to erect internally illuminated and projecting signs, and may approve an application and authorize the Planning Officer to issue a Sign Permit only upon making the following findings:
- 1) The sign is reasonably required for and assists in the identification of the premises by pedestrians approaching along public streets or open spaces; and
  - 2) The sign complies with the design criteria set forth in Section 306.7; and
  - 3) The sign is consistent with the intent and provisions of this Ordinance.

For a projecting sign, the following additional findings must be made:

- 4) The sign will not create or contribute to sign clutter or congestion in a given area due to the number of existing projecting signs on neighboring or nearby premises; and
- 5) The sign complies with the following limitations:

(i) It may not be attached to a structure other than a building;

(ii) it may not be internally illuminated;

(iii) it may only be as high as the eave line of the building surface to which it is attached or 11 feet above grade, whichever is lower;

(iv) it may not be lower than 7 1/2 feet;

(v) it may not project more than 2 feet from the surface of the building to which it is attached;

(vi) it may not contain more than 3 square feet of display area;

(vii) it may not be more than 3" or less than 1/2" thick;

(viii) it may not project into or over a public right-of-way.

f) Master Sign Plan.

- 1) Each building containing two or more businesses or any multiple-occupancy commercial site shall be required to have an approved Master Sign Plan, except that a Master Sign Plan shall not be required for such buildings or commercial sites which have lawfully existing signs on the effective date of this Ordinance.
- 2) The owner or other person in control of a building or site which is required to have a Master Sign Plan shall apply for a sign permit as set forth in Section 306.4, except that the applicant shall set forth the required information for each sign for each business in the building or on the site.
- 3) In addition to the design criteria contained in Section 306.7, each sign must be compatible in character and in quality of design with other signs on the building or site.
- 4) In no case shall more than one free-standing sign be allowed for a building or site requiring a Master Sign Plan. A free-standing sign shall only be approved if said sign identifies all of the businesses located in the building or on the site, and complies with the requirements of Section 306.5(d) hereof.

- 5) In addition to a free-standing sign, each business in a building or on a site requiring a Master Sign Plan shall be allowed one wall or suspended sign, provided that the allowable area of said signs is reduced by the square footage of the free-standing sign.

#### Section 306.6 Area of Signs.

- a) The area of a sign shall be calculated to include all lettering, wording, and accompanying designs or symbols, together with any background material, surface, or color.
- b) Where the sign consists of individual letters or symbols, the area shall be considered to be that of the smallest rectangle, circle, square, or triangle which can be drawn to encompass all of the letters or symbols.
- c) In the case of double-faced or multi-faced signs, the advertising surface of each face shall be used in determining sign area.
- d) The structure supporting a sign shall not be included in determining the sign area unless the structure is designed in a way as to form part of the display or an integral background for the display.

#### Section 306.7 Design Criteria.

- a) In evaluating the quality of sign design, the following criteria shall apply:
  - 1) Signs shall relate to the architectural design of the building. The location, color, and material of the sign shall complement rather than clash or conflict with the building to which it is attached or associated.
  - 2) Soft and muted colors in the earth tone and wood tone range and natural materials are preferred for sign backgrounds, although other colors and materials may be acceptable if they are appropriate to and harmoniously interrelated with the design of the premises and with the site as a whole.
  - 3) Sign illumination shall not cause glare and light intrusion onto other signs or premises.
  - 4) Internally illuminated signs shall have dark backgrounds with the letters lighter, or non-opaque backgrounds with opaque copy. The typical plastic faced sign with a light-colored, internally illuminated background shall not be permitted.

#### Section 306.8 Sign Copy.

- a) Except as provided elsewhere in this Ordinance, copy for commercial and industrial signs shall be limited to the name of the business and, if necessary for purposes of identification, the name of the principal goods sold, services provided, or activity conducted. The business name shall be on the sign on the primary frontage. Whether the business name shall be on other signs shall be in the discretion of the Town Planning Officer.
- b) Signs may show logos only when such logo is that of a product or service which is a major part of the sales or services conducted on the premises.

#### Section 306.9 Non-Conforming Signs.

- a) Any sign lawfully existing at the effective date of this Section 306, or of amendments thereto, that does not conform to the standards of this Section 306 shall be deemed to be a legal non-conforming sign and may be continued, except as provided in Section 308.

#### Section 306.10 Enforcement.

- a) Whenever a sign is found to be in violation of any provision of this Ordinance or of any other ordinance or law, the Planning Officer shall order that such sign be altered, repaired, reconstructed, demolished, or removed as may be appropriate to abate such condition. Any work to be done shall be completed within five (5) days of the date of such order, unless otherwise specified.
- b) In the event a sign is not altered, repaired, reconstructed, demolished, or removed as so ordered by the Planning Officer within the specified time frame, the owner of the premises or the person other than the owner who is in possession or control of the premises shall be subject to a penalty or penalties as set forth in Section 107 hereof.

#### Section 306.11 Appeals.

- a) Appeals to decisions of the Planning Officer or Zoning and Design Review Board may be filed under the procedures set forth in Section 407 hereof.

#### Section 306.12 Exceptions.

- a) The provisions of this Ordinance shall not apply to the following signs:

- 1) Signs used in conjunction with a bonafide special event, provided a sign permit is obtained as set forth in Section 306.4 hereof, and the location, number, and size of said signs are approved by the Planning Officer.
- b) Signs approved under Section 403 and 404 of this Ordinance shall continue to conform to the standards, limitations, and conditions of such approval. Said signs shall not be enlarged, redesigned, relocated, or otherwise altered without specific approval as required by Section 403 or 404, whichever is applicable. Where discrepancies exist between the standards and limitations of this Section 306 and the standards and limitations for signs approved under Section 403 or 404, the latter shall apply.
- c) The Zoning and Design Review Board, after a public hearing thereon, may grant an exception to the strict application of the provisions of this Section 306 only when the Board makes all of the following findings:
  - 1) There are exceptional or extraordinary circumstances applicable to the property, building, or sign involved which do not apply generally to other property, buildings, or signs in the vicinity. Such circumstances may include the shape, size, location, or surroundings of the property or building, or the type or design of sign involved;
  - 2) That owing to such exceptional or extraordinary circumstances the literal enforcement of the specified provisions of this Section 306 would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or owner of the property;
  - 3) The granting of such exception will not constitute a grant of special privilege inconsistent with the limitations imposed on other properties or buildings in the vicinity;
  - 4) The granting of such exception will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.
  - 5) The granting of such exception will not be inconsistent with the general purpose or intent of this Section 306.

Section 306.13 Severability. The provisions of this Ordinance are severable, and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

## SECTION 307     EXTENSIVE IMPACT

Section 307.1 Purpose. These regulations are intended to establish performance standards designed to ensure that operations which have an extensive impact on the community will be appropriately located; to encourage a mixture of suitable uses including light industrial uses in Yountville's commercial zones; and to provide a means of precluding inappropriate or incompatible uses from having undesirable impacts upon surrounding residential neighborhoods.

### Section 307.2 Standards and Requirements.

- a) Applicability or Permissible Location. Extensive impact uses are regulated according to the zoning districts of this Ordinance. Permissible Extensive Impact uses are divided into two Impact categories depending upon their proposed locations, as defined below:
  - 1) Impact Category I: Uses located adjacent to existing or planned residential developments. (Planned residential developments for this purpose shall consist of all areas designated for residential use on the adopted Yountville General Plan Map or on Master Development Plans approved pursuant to the Planned Development Review Procedure).
  - 2) Impact-Category II: Uses which are not adjacent to and will have no significant effect on established or planned residential developments.
- b) Development Standards. The development standards for each Impact Category are listed below:
  - 1) Noise: **Impact Category I.** All noise-generating operations shall be buffered so that they do not exceed the ambient noise level be more than 4 dB(A) or comprise over 70 dB(A) maximum during daytime operations. **Impact Category II.** Mitigating measures shall be required where necessary to ensure that noise generated by industrial or commercial operations does not exceed 80 dB(a) anywhere off the site premises, except under provision of a temporary use permit.
  - 2) Lights: **Impact Category I.** No bright or flashing lights shall be visible in a residential district. all lighted signs shall be subject to Town-wide sign regulations. **Impact Category II.** No bright or flashing lights which constitute a hazard or potential hazard to the general public shall be visible. all lighted signs shall be subject to Town-wide sign regulations.

- 3) Traffic Circulation and Parking: **Impact Category I.** New development must demonstrate that it will not substantially increase truck traffic on residential streets. Trucks over two tons shall not be permitted on local residential streets. Customer and employee parking and truck loading areas shall be provided in accordance with the Town-wide parking and loading regulations.
- 4) Vibrations: **Impact Category I.** No perceptible vibrations shall be permitted off the development site. **Impact Category II.** No perceptible vibrations shall be permitted which interfere with adjacent land uses.
- 5) Flammable Materials: **Impact Category I.** No operations involving the use or storage of flammable materials or fuses shall be permitted adjacent to any residential area. **Impact Category II.** All operations which involve storage, use, or transport of flammable materials or gases must be conducted in a manner which meets with the approval of the Fire Chief; and all facilities must contain such emergency protection and fire fighting equipment as are deemed necessary by the Fire Chief.
- 6) Airborne Emissions: **Impact Category I.** No use shall exceed the maximum permissible emissions standards established by the San Francisco Bay Area Air Quality Management District. **Impact Category IIe.** Same as above.
- 7) Water Quality: **Impact Category I.** The Town shall evaluate liquid waste to be disposed into its sewer systems and report upon its capacity to provide treatment. Industries not connecting to the municipal sewer systems are subject to water quality standards administered by the San Francisco Bay Regional Water Quality Control Board. **Impact Category II.** Same as above.
- 8) Building Size and Architectural Design: **Impact Category I.** All building design and site layouts shall be approved by the Zoning and Design Review Board or Town Council. **Impact Category II.** Same as above.

**SECTION 308    LEGAL NON-CONFORMING BUILDINGS, SIGNS AND USES AND  
SUBSTANDARD PARCELS**

Section 308.1    Lots of Record.

- a) Any lot existing and recorded as a separate parcel in the office of the County Assessor at the effective date of this Ordinance, herein termed a lot of record, which has lesser dimensions than required by this Ordinance may nevertheless be occupied by a dwelling or building, if all other requirements of this Ordinance are met. The same exception shall apply to a lot created by the merger of such existing lots of record or parts thereof in such a manner as to establish a lesser number of lots each having an increased area.
- b) An existing building the use of which conforms to the use regulations of this Ordinance but which occupies a lot of smaller area than required by this Ordinance shall not be deemed to be a non-conforming building: provided however, that no such building shall be altered or enlarged as to further increase the discrepancy between existing conditions on the lot and the required standards for new construction set forth in this Ordinance.

Section 308.2    Legal-Non-Conforming Buildings, Signs and Use, General.

- a) Any use lawfully occupying a building or land at the effective date of this Ordinance, or of amendments thereto, that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming use, and may be continued, except as provided in this Section 308.
- b) Any building lawfully existing at the effective date of this Ordinance, or of amendments thereto, that lawfully is wholly or partially used or designed for use contrary to the use regulations for the district in which it is located shall be deemed to be a legal non-conforming building and may be so used or continue in such use, except as provided in this Section 308. Maintenance and repairs necessary to keep a legal non-conforming building in sound condition during such continuance shall be permitted.
- c) Any sign lawfully existing at the effective date of this Ordinance, or of amendments thereto, that does not conform to the standards of this Ordinance shall be deemed to be a legal non-conforming sign and may be continued except as provided in this Section 308. Maintenance and repairs necessary to keep a legal non-conforming sign in sound condition during such continuance shall be permitted.

- d) Any building, sign or use for which a permit has been lawfully granted prior to the effective date of an amendment to this Ordinance, may be completed and used in accordance with the approved plans, provided construction is started and diligently pursued to completion in accordance with applicable Town building codes, and such buildings, sign or use shall thereafter be deemed to be a lawfully existing building, sign or use.
- e) Nothing in this Section shall be construed as repealing, abrogating or modifying any provision of any Town ordinance or other regulation, or any other provision of this Ordinance, or of law relating to the requirements for construction, maintenance, repair, demolition or removal of buildings.

#### Section 308.3 Legal Non-Conforming Buildings.

- a) No building, the use of which is; non-conforming wholly or in any substantial part, shall be structurally altered without securing use permit approval. The Zoning and Design Review Board in all R-Districts and the Town Council in all other Districts may require as a condition of said approval that the building is thereafter devoted to conforming use.
- b) A non-conforming building may only be enlarged or extended upon approval of a use permit. The ZDRB or Town Council may require as a condition of said approval that the building is thereafter devoted to conforming use.
- c) No building partially occupied by a non-conforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such non-conforming use.
- d) No legal non-conforming use may be enlarged or extended in such a way as to occupy any land beyond the boundaries of the lot as it existed at the effective date of this Ordinance, or to displace any conforming use in the same building or on the same parcel.
- e) Any legal non-conforming building which has been destroyed by fire or other calamity may be reconstructed or reestablished again within a one (1) year period upon approval of a use permit provided the reconstructed or reestablished building complies with the yard requirements of the zoning district then current. Said one (1) year period may be extended by the Council upon showing of good cause.

#### Section 308.4 Legal Non-Conforming Uses.

- a) Where all legal non-conforming uses of a building originally designed or built for commercial or industrial purposes are discontinued for twelve months or more, any subsequent uses of such buildings must be conforming.

- b) Subject to the provisions of subsections (a) of this Section and upon approval of a use permit a legal non-conforming use of a building or premises may be changed to another use of the same or more restricted classification, except that when a legal non-conforming use is replaced by a conforming use, that area so replaced shall remain conforming.
- c) Whenever a legal non-conforming use has been discontinued for a continuous period of one (1) year or more or whenever there is otherwise evident a clear intent on the part of the owner to abandon a legal non-conforming use, such use shall not after being so discontinued or abandoned be reestablished, and the use of the premises thereafter shall be in conformity with the regulations for the district. Said one (1) year period may be extended by the Town Council upon showing of good cause.

Section 308.5 Legal-Non-Conforming Signs.

- a) A legal non-conforming sign may not be enlarged, redesigned, relocated, or otherwise altered unless it is made to conform to the standards of this Ordinance, pursuant to the issuance of an approved sign permit as provided in Section 306.
- b) Whenever a legal non-conforming sign is attached to or located upon a building or premises which changes use pursuant to the issuance of a new or amended use permit as set forth in Section 402, said non-conforming sign shall be removed, altered, or otherwise made to conform to the standards to this Ordinance as a condition of such use permit approval. Said conditions shall set forth, among other things, the time frame in which the non-conforming sign shall be brought into conformance.
- c) Whenever the business identified by a legal non-conforming sign changes ownership, said non-conforming sign shall be removed, altered, or otherwise made to conform to the standards of this Ordinance prior to operation of the business by the new owner.
- d) Whenever a legal non-conforming sign is attached to or located upon a building or premises which undergoes construction, remodeling, or any other alteration which requires design review approval as set forth in Section 403, said non-conforming sign shall be removed, altered, or otherwise made to conform to the standards of this Ordinance as a condition of such design review approval. Said condition shall set forth, among other things, the time frame in which the non-conforming sign shall be brought into conformance.

## SECTION 309     TREES

Section 309.1 Purpose. The Town of Yountville recognizes that trees contribute in important ways to the health and welfare of all its citizens. In addition to the aesthetic qualities which make trees desirable, trees provide erosion control, act as windbreakers, reduce surface water runoff, provide privacy, act as filters for airborne pollutants, serve as wildlife habitats, and add variation to otherwise flat terrain.

For such reasons, these regulations are intended to protect and preserve as many trees as possible, while also ensuring that tree removal, when necessary, is done with reasonable care, thereby promoting the public health, safety, and welfare.

### Section 309.2 Definitions.

a) Terms as used herein shall be defined as follows;

1) Tree:

(i) Any woody perennial plant characterized by a trunk with a circumference of thirty (30) inches or more or multi-stemmed perennial plant having an aggregate circumference of sixty (60) inches measured twenty-four (24) inches above ground level.

(ii) Any native tree (regardless of circumference), including but not limited to the following: Valley Oak, Buckeye, Coast Live Oak, White Alder, Oregon Ash, Northern California Black Walnut, Fremont Cottonwood, California Bay, Blue Elderberry, Sandbar Willow, Red Willow, Yellow Willow, Arroyo Willow.

(iii) Any tree which is of special significance as so designated by resolution of the Town Council.

2) Remove:

(i) To remove more than one-third of the crown or foliage-producing part of the tree or more than one-third of the root system, or kill or permanently injure the tree in any way.

### Section 309.3 Tree Removal.

a) It shall be unlawful for any person to remove, or cause to be removed, any tree from any parcel of property in the Town without a permit issued as provided herein.

#### Section 309.4 Permit

- a) Any person desiring to remove one or more trees shall apply to the Planning Officer for a permit.
- b) Application for a permit shall be made on forms provided for the purpose and shall state the following:
  - 1) Name and address of applicant.
  - 2) Name and address of tree owner.
  - 3) Location of the property on which the tree is located.
  - 4) Location of the tree on the property
  - 5) The number, size, and species of tree to be removed.
  - 6) An outline of existing and/or proposed buildings.
  - 7) The reason for removal of each tree.
  - 8) Any other information requested by the Planning Officer.

#### Section 309.5 Conditions.

- a) The Planning Officer shall review each application and make the following determinations:
  - 1) The condition of the tree or trees with respect to disease, hazard, proximity to existing or proposed structures, and interference with utility service.
  - 2) The topography of the land and the effect of tree removal on erosion and surface water flow.
  - 3) The number of trees in the neighborhood and the effect of tree removal on the established standard of the area and the property values.
  - 4) The necessity of tree removal in order to construct any proposed improvements to allow economic enjoyment of the property.
  - 5) The necessity of tree removal in order to allow a reasonable amount of sunlight to reach the property.
- b) Prior to making determinations, the Planning Officer may obtain a written report and recommendation from a landscape architect, tree surgeon, or other independent tree expert at the applicant's expense.
- c) Based on the foregoing determinations, the Planning Officer shall grant or deny the permit. In granting a permit, the Planning Officer may attach reasonable conditions to insure compliance with the intent and purpose of this section.

Section 309.6 Emergencies.

- a) In case of emergency, when a tree is dangerous to life or property, it may be removed by order to the Town Administrator or Superintendent of Public Works.

## SECTION 310      CONDOMINIUM CONVERSIONS

Section 310.1 Purpose and Findings. The conversion of multi-family dwelling units to condominiums creates conditions that differ markedly from those associated with rental units. These peculiar problems associated with condominium conversion projects may result, if unregulated, in a negative impact upon the public health, safety, and welfare, and upon the economic prosperity of the Town.

The Town Council of the Town of Yountville expressly finds that:

- a) Condominiums and other forms of ownership of homes are unique and require different amenities and standards than apartment houses to protect the community and the purchasers.
- b) Not all multiple family dwellings have been constructed in a manner suitable for individually owned units.
- c) Conversion of existing rental housing to condominiums diminishes the supply of rental housing and tends to reduce the supply of low and moderate income housing.
- d) Unregulated condominium conversion would displace low and moderate income families from the Town of Yountville whenever a deficiency of multiple family rental units exists within the Town of Yountville.

The intent of this Ordinance is to assure that a reasonable balance between rental housing and owner occupied housing is maintained in the community; to establish rules and standards that regulate the conversion of multiple family rental housing units to condominiums, community apartments, or stock cooperatives within the Town; and to guarantee that rental units being converted to condominiums meet reasonable construction criteria under state and local laws, ordinances, and regulations.

### Section 310.2 Definitions.

- a) The terms used herein shall be defined as follows:
  - 1) Condominium: Condominium shall be defined as set forth in California Civil Code Section 783. As used herein, "condominium" shall be deemed to refer to a condominium, stock cooperative, and community apartment.
  - 2) Community Apartment: A development in which an undivided interest in the land is coupled with the right of exclusive occupancy of an apartment located thereon. Community apartments shall be subject to the same restrictions and conditions as set forth herein for condominiums.

- 3) Stock Cooperative: A corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share of shares of stock or membership certificate in the corporation held by the person having such right of occupancy. The term "stock cooperative" does not include a limited-equity housing cooperative, as defined by Section 330097.5 of the California Health and Safety Code.
- 4) Condominium Conversion: A change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined as a condominium or a community apartment or a stock cooperative regardless of the present or prior use of such land or structures and whether improvements have been made or area to be made to such structures.

#### Section 310.3 Standards and Requirements.

- a) General Requirements. A use permit shall be required for the conversion of multiple family rental housing units to condominiums.
- b) Findings Required. In addition to the findings contained in Section 402.2, the Zoning and Design Review Board shall make the following findings prior to approving a use permit for a condominium conversion:
  - 1) That no rental housing shortage exists within the Town, and that, if approved, the proposed project will not create a rental housing shortage within the Town.

For the purposes of this Ordinance, a rental housing shortage is presumed to exist whenever either of the following two conditions occur:

- 1) The number of rental units in the Town falls below 35% of the total housing stock; or,
- 2) The number of vacant rental units within the Town is 5% or less of all the rental units in the Town. The vacancy percentage of rental units and the ratio of rental units to ownership units within the Town shall be based upon the most current census data, unless the applicant can provide evidence that such data is inaccurate.

- c) Considerations. When reviewing an application for a use permit for condominium conversion, the Zoning and Design Review Board, shall take into account the following:
- 1) The number of low and moderate income households that will be displaced by the proposed conversion, and whether or not the applicant intends to provide relocation assistance;
  - 2) The desire of current tenants to either purchase prospective condominium units or maintain rental status;
  - 3) The possible effect of the proposed conversion on neighborhood property values and taxes.

Section 310.4 Condominium Conversion Requirements. Conversion of existing rental housing to condominium shall meet the following standards and requirements:

- a) Each dwelling unit shall have space and connections for the installation and operation of laundry equipment for the private use of the occupants of that unit.
- b) At least one hundred cubic feet for each unit and an additional fifty cubic feet for each bedroom of enclosed weather-proof storage space, either inside or outside the unit, in addition to that required by the Federal Housing Administration's Minimum Property Standards for similar units, shall be provided for each dwelling unit.
- c) Parking within the property lines of the project shall be provided at no less than two spaces per dwelling unit. Each required parking space shall have direct access to the street without passing over other required parking spaces.
- d) The project shall conform to all applicable laws, ordinances, and regulations for existing buildings, including but not limited to those pertaining to housing, building, fire, subdivision, and zoning.
- e) In a project containing 5 or more units, at least 15% of the total number of units shall be made permanently available to low and moderate income families.

Section 310.5 Filing of an Application. In addition to the information required for a use permit application, an applicant for a use permit for a condominium project shall supply the following information.

- a) A report containing the following information:
  - 1) Length of occupancy of present tenants.
  - 2) Current rents, any utilities included in rent, date and amount of last rent increase.

- 3) Household composition by age and sex of present tenants.
  - 4) Nature and expiration date of current leases.
  - 5) Approximate proposed sale price of units, expected monthly mortgage payments, association and expected financing available to buyers.
  - 6) A statement indicating the exact number of units existing in the structure proposed to be converted.
  - 7) A list of the names of all tenants and lessees of the existing structure, with a verified written statement that notice of the filing of the application for conversion has been given to each such tenant and lessee by certified U.S. mail. The applicant shall submit a receipt as evidence that such notification has occurred.
- b) A structural pest control report prepared by a licensed pest control operator.
  - c) The applicant's proposed program to accommodate existing tenants of units to be converted with specific reference to relocation, availability of substitute accommodations, and a statement of sale preference to present tenants.
  - d) Any other information deemed necessary for evaluation of the application.

Section 310.6 Conditions. In granting a use permit for condominium conversion, the Zoning and Design Review Board may impose any conditions it deems reasonable and appropriate to accomplish the purposes set forth in the Yountville General Plan, any specific plan, or in the Zoning Ordinance.

Section 310.7 Severability. If any section, sentence, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid, illegal, unconstitutional, or inapplicable to any person or circumstances, such invalidity, illegality, unconstitutionality, or inapplicability shall not affect or impair any of the remaining sections, sentences, subsections, clauses, or phrases of this Ordinance or their applicability to other persons or circumstances.

## SECTION 311 PROVISION FOR LOWER AND MODERATE INCOME HOUSING

Section 311.1 Purpose. The purpose of this Ordinance is to enhance the public welfare and assure that further housing development within the Town contributes to the attainment of this goal by increasing the production of units affordable by households or families of lower and moderate income, and additionally stimulating funds for development and/or rehabilitation of lower income housing. Therefore, because a limited and finite amount of land remains for development of housing in the Town, and in order to assure that the remaining developable land is utilized in a manner consistent with the Town's housing policies and needs, the Town of Yountville declares that at least 15 percent of the total number of units of all new developments containing 10 or more units or parcels shall be affordable by households or families of lower or moderate income.

Section 311.2 Definitions. For the purposes of this Ordinance the Terms used herein shall be defined as follows:

- a) "Moderate" and "Lower" Income Levels: The statistical base for determining "moderate" and "lower" income levels shall be established by resolution of the Town Council, which may be amended from time to time.
- b) Amenities: Interior amenities include, but are not limited to, fireplaces, garbage disposals, dishwashers, cabinet and storage space, bathrooms in excess of one, etc.
- c) Inclusionary Unit: An ownership or rental housing unit as required by this Ordinance, which is affordable by households or families with lower or moderate income.
- d) Income Eligibility: The method for determining income eligibility shall be established by resolution of the Town Council, which may be amended from time to time.
- e) In-Lieu Participation Fee: A fee paid to the Town by developers subject to this Ordinance in-lieu of providing the required inclusionary units or lots.
- f) Resale Control: Legal restrictions by which the price of inclusionary units will be controlled to ensure that the unit is affordable by lower or moderate income households or families over time.
- g) Ability to Pay: The method for determining a moderate income household's or family's ability to pay shall be established by resolution of the Town Council, which may be amended from time to time.

### Section 311.3 General Requirements.

- a) Any ownership or rental residential development, not requiring a subdivision map and involving 10 or more units which has not been issued a final building permit, or any land subdivision development requiring a subdivision map and involving 10 or more parcels which does not have an approved tentative map shall be conditioned to provide at least 15 percent of the total number of units or parcels as inclusionary units or parcels, unless the developer, in agreement with Town staff, elects to make an in-lieu payment.

In applying these percentages, any decimal fraction greater than .50 shall be construed as requiring one inclusionary unit or parcel. Any decimal fraction equal to or less than .50 may be disregarded.

- b) Any development permit for a new residential construction project of 10 or more units shall have conditions attached which will ensure compliance with the provisions of this Ordinance. Such conditions shall specify: the timing of in lieu fees and/or inclusionary units, the number of inclusionary units at appropriate price levels, (the formula for determining appropriate price levels shall be established by resolution of the Town Council), provisions for income certification and screening of potential purchasers and/or renters of inclusionary units, a resale control mechanism, and, if applicable, any incentives for the applicant.

In addition, the conditions shall require a written agreement to indicate the number, type, location, approximate size, and construction scheduling of all dwelling units, as well as other such reasonable information as shall be required by the Town for the purpose of determining the applicant's compliance with this Ordinance.

- c) All inclusionary units in a project and phases of a project shall be constructed concurrently with or prior to the construction non-inclusionary units, unless the Town determines that extenuating circumstances exist.
- d) All inclusionary units or parcels shall be sold to lower or moderate income households or families as certified by the Town or its designee.
- e) All inclusionary units or parcels shall be reasonably dispersed throughout the project.
- f) All inclusionary units shall contain on average the same number of bedrooms as the non-inclusionary units in the development.

- g) The applicant shall have the option of reducing the interior amenity level of the inclusionary units provided such units conform to the requirements of applicable building and housing codes.
- h) The applicant shall have the option of reducing the square footage of the inclusionary units below that of other units provided in the project provided all units conform to the requirements of applicable building and housing codes and the square footage is approved by the Town.
- i) The applicant shall have the option, in an ownership project, of construction rental units in a number sufficient to satisfy all or a portion of the inclusionary requirements of this Ordinance.
- j) Upon a finding by the applicant, with the Town's concurrence, that the construction of the required inclusionary units is not feasible or appropriate as part of a larger development project, the applicant shall have the option of constructing the required inclusionary units on a site or sites not contiguous with the development, provided, however, said site or sites shall require approval of the Town. The Town shall set forth conditions to ensure that the required units are constructed. Such conditions shall be established by resolution of the Town Council on a project by project basis and shall include, among other things, the following:
  - 1) The number of inclusionary units to be located on the same site as the non-inclusionary units (if any) and the number of inclusionary units to be located on a separate site;
  - 2) A time frame for the completion of the separate inclusionary units;
  - 3) A provision for a reversion agreement with the developer, whereby the land upon which the separate inclusionary units are to be constructed shall revert to ownership by the Town or its designee in the event the required inclusionary units are not constructed within the time frame specified in the resolution.

Section 311.4 Inclusionary Unit Requirement for Rental Developments.

- a) In rental projects of 10 or more units, 15 percent of the total number of units shall be inclusionary units affordable by lower or moderate income households or families. The inclusionary rental units shall be offered at rent levels as established by resolution of the Town Council. Where housing assistance rental subsidies are available, units shall be made available to very low income households or families.

- b) The Town or its designee shall screen applicants for the inclusionary rental units and shall refer eligible households or families to the developer or owner. The developer or owner shall retain final discretion in the selection of the eligible households or families provided the same rental terms and conditions (except rent levels and income) are applied to tenants of inclusionary units as are applied to all other tenants, except as required to comply with government subsidy programs.
- c) The Town or its designee shall require guarantees, to enter into recorded agreements with developers, and to take other appropriate steps necessary to assure that the required moderate income rental dwelling units are provided and that they are rented to moderate or lower income households or families. A Certification shall be prepared indicating that the developer has complied with the requirement of this section, and said Certification shall be transmitted to the Town.

Section 311.5 Inclusionary Unit Requirements for Ownership Developments.

- a) In ownership residential projects of 10 or more units, 15 percent of the total number of units shall be inclusionary units affordable by low or moderate income households or families within an income range as established by resolution of the Town Council. The housing unit sales prices corresponding to this income range shall be established by the Town or its designee.
- b) The developer shall be required to offer to the Town or its designee all such inclusionary units as are required by this Ordinance for sale to eligible purchasers for a period of not less than 90 days from the date of the Town's permission to occupy, provided that said time period may be extended by the Town through a resolution of the Town Council. The Town shall advise all prospective purchasers of the resale restriction applicable to ownership inclusionary units as specified in this Ordinance.
- c) The Town or its designee shall review the assets and income of prospective purchasers of the ownership inclusionary units on a unit by unit basis. The Town shall advertise the inclusionary units to the Yountville general public. Upon notification of the availability of ownership units by the developer, the Town or its designee shall seek and screen qualified purchasers through a process involving applications and interviews. Where necessary, the Town shall hold a lottery to select purchasers. The developer or owner shall retain final approval in the selection of the qualified purchasers selected by the Town or its designee, provided that the same terms and conditions (except sales price and income) are applied to purchasers of inclusionary units as are applied to all other purchasers. Preference will be given first to residents of Yountville and second to people employed in Yountville.

#### Section 311.6 Inclusionary Requirements for Land Subdivision Development.

- a) In land subdivisions of 10 or more parcels, 15 percent of the total number of developable lots shall be set aside for immediate or future development of lower or moderate income units. Such land may be developed by the applicant or another profit or nonprofit developer, private or public, or deeded to the Town of Yountville or its designee at a price established by resolution. The units built on these parcels may be rental or owner occupied, and shall conform to the requirements set forth in the appropriate sections of this Ordinance. The method of providing inclusionary units from land subdivisions shall be specified in the conditions of approval of each such land subdivision.

#### Section 311.7 Eligibility Requirements.

- a) The method for determining income eligibility shall be established by resolution of the Town Council, which may be amended from time to time.
- b) The conditions and requirements for continued eligibility of the purchaser of an inclusionary unit shall be set forth in the sales agreement on a project by project basis.

#### Section 311.8 Control of Resale

- a) In order to maintain the availability of the housing units as may be constructed pursuant to the requirements of this Ordinance, the Town shall impose resale conditions. Such resale conditions shall be established by resolution of the Town Council on a project by project basis.

#### Section 311.9 In-Lieu Participation Fees

- a) In-lieu participation fees may be appropriate for particular developments not suitable for inclusionary units due to factors such as, but not limited to, location, development density, and environmental conditions. In such cases, the Town and the applicant may agree to the contribution of "in-lieu" participation fees. Said in-lieu fees shall be used by the Town or its designee for the purpose of developing affordable housing for low or moderate income households or families elsewhere in the Town.
- b) In-lieu participation fees for all residential development, including land subdivisions, shall be calculated on the basis of the difference between the ability to pay of a moderate income household or family (which shall be established by resolution of the Town Council), and the estimated sales price of market rate unit of appropriate size (which shall be established by resolution of the Town Council on a project by project basis). Said differential shall be multiplied by the required number of inclusionary units, that is, 15 percent of the total number of market rate units in the development. For the purposes of

applying percentages to in-lieu fees, decimal fractions of a unit shall be used.

Section 311.10 Availability of Government Subsidies.

- a) It is the intent of this Ordinance that the requirements for inclusionary units affordable by moderate income households or families shall not be determined by the availability of government subsidies. This is not to preclude the use of such programs or subsidies. This Ordinance is also not intended to be an undue burden on the developers of residential projects. Therefore, as detailed in the succeeding sections of this Ordinance, incentives are given to provide inclusionary units.

Section 311.10 Fee-Waiver for-Inclusionary Units.

- a) In an attempt to feasibly provide moderate income affordable units, certain Town fees applicable to the inclusionary units or parcels of a proposed development shall be waived. Fees to be waived shall be established by resolution of the Town Council, which may be amended from time to time.

Section 311.11 Enforcement.

- a) No building permit or occupancy permit shall be issued, nor any development approval granted, which does not meet the requirements herein.
- b) In addition to, or in lieu of, the provisions of (a), the Town shall institute injunction, mandamus, or any other appropriate legal sanctions or proceedings for the enforcement of this Ordinance.

Section 311.12 Exceptions. The provisions of this Ordinance shall not apply to:

- a) Any vacant or improved lot existing and recorded as a separate parcel in the Office of the Napa County Assessor at the date of adoption of Section 311 of this Ordinance, which has a development capability, under the standards of the existing zoning district(s) (or as amended) in which the lot is located, of not more than nine dwelling units or parcels.
- b) Any vacant or improved lot existing and recorded as a separate parcel in the Office of the Napa County Assessor at the date of adoption of Section 311 of this Ordinance which has an existing or potential development capability of 10 or more dwelling units or parcels, but the owner of said property intends only to develop not more than nine dwelling units or parcels, provided that:
  - 1) The property has not been split, subdivided or had building permits issued for dwelling unit construction within a five year period prior to the date of the present development application; and

- 2) The owner of the property has not split, subdivided, obtained building permits for dwelling units or constructed dwelling units on any contiguously owned parcels within a 5 year period prior to the date of the present development application.

Section 311.13 Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

## SECTION 312      SECOND RESIDENTIAL UNITS

Section 312.1 Purpose. The intent of this ordinance is to encourage the development of affordable rental housing within the Town by establishing standards and requirements which allow for and regulate the creation of second residential units (also known as "mother-in-law units", "granny flats", and "accessory apartments").

Section 312.2      Definitions. The terms used herein shall be defined as follows:

- a) Second Residential Unit. A dwelling unit offered for rent which provides complete, independent living facilities for one or more persons, and which is located on a lot containing a larger single-family detached dwelling unit.
- b) Primary Residential Unit. A single-family detached dwelling unit which is located on the same lot as an attached or detached smaller second residential unit.

### Section 312.3      Use Permit Required

- a) A use permit shall be required for the creation of a second residential unit.
- b) Any use permit granted for a second residential unit shall be reviewed at the time of any change of ownership of the subject property.
- c) Whenever a use permit is granted pursuant to this Section, the Town shall record a Notice of Grant of Use Permit, which would inform all potential owners of the subject property that a use permit has been granted and that a review of its terms and conditions is required at the time of change of ownership. Failure by the Town to record such a notice shall not constitute a waiver of the review conditionn.

### Section 312.4      General Conditions

- a) There shall be no more than one second residential unit per lot.
- b) Requirements for building height, setbacks, yards, and lot coverage that apply to the principal unit shall apply to the second residential unit.
- c) The minimum lot area for a second unit in the H-District shall be five thousand (5,000) square feet. The minimum lot area for a second unit in the R-1 District shall be six thousand (6,000) square feet.

Section 312.5 Criteria for Use Permit Approval

- a) The property owner shall occupy either the principal or second unit.
- b) The floor area of the second residential unit shall not exceed the habitable floor area of the principal unit or 600 square feet, whichever is less.
- c) Where creation of a second residential unit requires construction of a new structure or a change in the external appearance of an existing structure, design review approval shall be required pursuant to the provisions of Section 4093.
- d) A second residential unit may be located within, attached to, or detached from the primary residential unit, provided that in all cases there shall be a separate entrance for the second residential unit.
- e) The primary residential unit must meet minimum building code requirements prior to occupancy of the second residential unit.
- f) A second residential unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residential unit is situated.
- g) A minimum of one off-street parking space shall be provided for each second residential unit.
- h) As second residential unit shall otherwise conform to the applicable standards and requirements of the zoning district in which the second residential unit is located.

ARTICLE IV  
PROCEDURES AND ADMINISTRATION



## ARTICLE IV: PROCEDURES AND ADMINISTRATION

### SECTION 401 VARIANCES

Section 401.1 General. The Zoning and Design Review Board shall hear and make determination regarding applications for variances from the strict application of quantitative standards, other than densities in this Ordinance. The Board shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Ordinance and in accordance with the general and specific rules contained herein, and shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, or any type of sign not expressly permitted by the provisions of this Ordinance for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Ordinance; or which would change a definition in this Ordinance. The procedures for variances shall be as specified in this Section and in Section 406.

Section 401.2 Findings Required. The Zoning and Design Review Board shall hold a hearing on the application. No variance shall be granted in whole or in part unless there exist, and the Zoning and Design Review Board specifies findings as part of a written decision, facts sufficient to establish:

- a) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;
- b) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Ordinance would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;
- c) That such variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties;
- d) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

- e) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and
- f) That the granting of such variance will be in harmony with the general purpose and intent of this Ordinance and will not adversely affect the General Plan.

Section 401.3 Conditions. In granting any variance as provided herein, the Zoning and Design Review Board or Town Council on appeal shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Ordinance. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Ordinance and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time.

## SECTION 402      CONDITIONAL USES (USE PERMITS)

Section 402.1 General. The Zoning and Design Review Board shall hold a public hearing to make determinations regarding applications for: use permits in the R-Districts, home occupations, second residential units, and change of use in the C-District; the Town Council shall hold a public hearing to make determinations regarding applications for the authorization of conditional uses in all other districts as specified in this ordinance. The procedures for conditional uses shall be as specified in this Section and Section 406.

Section 402.2 Findings Required. After its hearing on the application the Town Council or Zoning and Design Review Board (ZDRB) may approve the application and authorize a conditional use if the facts presented are such as to establish:

- a) That the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community; and
- b) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:
  - 1) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
  - 2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
  - 3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
  - 4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and
- c) That such use or feature as proposed will comply with the applicable provisions of this ordinance and will be consistent with the policies and standards of the General Plan.

Such action of the Town Council or the ZDRB, in either approving or disapproving the application, shall be final except upon the filing of a valid appeal to the Town Council of a ZDRB action as provided in Section 407.

Section 402.3 Conditions. When authorizing a conditional use as provided herein the Town Council or the ZDRB, or the Town Council on appeal of a ZDRB action, shall prescribe such additional conditions, beyond those specified in this Ordinance, as are in its opinion necessary to secure the objectives of this Ordinance. Once any portion of the conditional use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Ordinance and may constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of such authorization must commence within a reasonable time.

Section 402.4 Modification of Conditions. Authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use.

Section 402.5 Continuation.

- a) Except where time limits are otherwise specified as a condition of authorization, any conditional use that has been established as authorized by the Town Council or ZDRB may continue as authorized so long as it is not changed to another use or feature, or discontinued for a continuous period of one year, or otherwise abandoned.
- b) A conditional use shall not be restored when so abandoned, or changed to another use or feature that is classified as a conditional use in the district in which it is located, or significantly altered or intensified, except upon approval of a new conditional use application by the Town Council or ZDRB.
- c) Where a use or feature classified as a conditional use in the district in which it is located lawfully exists at the effective date of this Ordinance, such use or feature shall be deemed to be a permitted conditional use without further authorization.

Section 402.6 Modification or Change of Use. If an owner or other applicant who has a use permit for a particular use desires to change that use, he may apply to the ZDRB for a determination that the new use is the same or substantially similar to the use specified in the permit. The ZDRB shall determine whether:

- a) The use is clearly a use permitted by use permit in the applicable zone;
- b) The findings made in approving the previous use can also be made for the proposed new use;
- c) The conditions imposed on the previous permit are applicable to the new use and that the standards of the zoning ordinance do not require the imposition of any new conditions;

- d) The proposed new use will comply with applicable development and zoning standards.

If the ZDRB makes these findings, it shall determine that the proposed new use is the same or substantially similar to the old use and that no new use permit is required. If the ZDRB cannot make the findings, the application shall be denied. The applicant can then apply for a new use permit if desired.

## SECTION 403      DESIGN REVIEW

Section 403.1 General. The Town Council shall hear and make determinations regarding applications for design approval in accordance with the provisions of this Section 403, except that the Zoning and Design Review Board (ZDRB) in matters concerning the H-District, or as directed by the Town Council, shall hear and make determinations regarding applications for design approval. Design approval shall be secured for the construction of all new buildings, structures and physical improvements and additions, extensions and extensive changes of or to existing buildings, structures and physical improvements except as provided in this Section 403. The term "physical improvement" as used herein may include, but not be limited to parking and loading areas, fences and signs. Design approval is in the public interest, and necessary for the promotion and protection of the safety, convenience, comfort, prosperity, and general welfare of the citizens of this Town:

- a) To preserve and enhance the natural beauties of the land and of the man-made environment, and the enjoyment thereof;
- b) To maintain and improve the qualities of, and relationships between, individual buildings, structures, and physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;
- c) To protect and insure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area; and
- d) To protect and enhance the uses and buildings in the Old Town Historical District.

Moreover, in order to prevent the erosion of beauty, the decay of amenity, and the dissipation of usefulness, it is necessary,

- a) To stimulate creative design for individual buildings, groups of buildings and structures, and other physical developments;
- b) To encourage the innovative use of materials, methods and techniques;
- c) To integrate the functions, appearance, and location of buildings and improvements so as to best achieve a balance between private prerogatives and preferences, and the public interest and welfare.

Pursuant to, and in furtherance of, these purposes and aims, the review and approval of certain plans and proposals for the physical development or change of land, buildings, and structures, is required and is designated as "Design Review".

Section 403.2 Matters Exempt from Design Review. The following developments and physical improvements are exempt from design review procedures and requirements:

- a) Single-family dwellings, except in the "H" District;
- b) Agricultural buildings, structures, and improvements;
- c) Other work determined by the Planning Officer to be minor or incidental and within the intent and objectives of this Section 403.
- d) The Town Council or ZDRB may approve a Design Review application if the applicant presents facts clearly demonstrating to the satisfaction of the Council or Board that disapproval will work immediate and substantial hardship because of conditions peculiar to the particular structure or other feature involved and that approval of the application will be consistent with the purposes of this Section 403. If hardship is found to exist under this Section 403.2(d), the Town Council or ZDRB shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making such findings.

Section 403.3 Considerations. The review and approval of plans and proposals as set forth herein, shall assure that a development or physical improvement is designed and located in a manner which will best satisfy the following criteria:

- a) It will properly and adequately perform or satisfy its functional requirements without being unsightly or creating substantial disharmony with its locale and surroundings;
- b) It will not impair, or interfere with, either the development, use, or enjoyment of other property in the vicinity, or the orderly and pleasing development of the neighborhood as a whole, including public lands and rights-of-way;
- c) It will not directly, or in a cumulative fashion, impair, inhibit, or limit further investment or improvements in the vicinity, on the same or other properties;
- d) It will be properly and adequately landscaped with maximum retention of trees and other natural material;
- e) It will minimize or eliminate adverse physical or visual effects which might otherwise result from unplanned or inappropriate development, design, or juxtaposition. Such adverse effects may include, but are not limited to those produced by the design and locational characteristics of:
  - 1. The scale, mass, height, area, and materials of buildings and structures.

2. Areas, paths, and rights-of-way for the containment, movement or general circulation of persons and vehicles.
  3. Other developments or improvements which may result in a diminution or elimination of sun and light exposure, views, vistas, and privacy.
- f) Satisfy the standards expressed in resolutions which the Town Council may from time to time adopt regarding design approval, and which may apply uniformly throughout the Town or may be applied to one or more zoning districts within the Town.

Section 403.4 Conditions. When authorizing design approval as provided herein the Town Council or ZDRB, or the Town Council on appeal of a ZDRB action, shall prescribe the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this ordinance. Once any portion of the granted design approval is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this ordinance and may constitute grounds for revocation of the design approval. Such conditions may include time limits for exercise of the granted design approval; otherwise, any exercise of such design approval must commence within a reasonable time.

Section 403.5 Expiration and Extension. Approval of a design review application shall expire one year from the effective date of said approval if construction has not commenced, and unless a different expiration date is stipulated at the time of approval. Prior to the expiration of a design review approval, the applicant may apply to the Planning Officer for an extension of one year from the date of expiration. Not more than one extension shall be granted. The Planning Officer may make minor modifications of the approved design at the time of extension if he finds that there has been a substantial change in the factual circumstances surrounding the originally approved design.

If building or other permits are issued during the effective life of a design review permit, the expiration date of the design review permit shall be automatically extended to concur with the expiration date of said other permit.

## **SECTION 404      PLANNED DEVELOPMENT REVIEW**

Section 404.1 General. The Town Council shall hear and make determinations regarding applications for the approval of planned developments. The development standards and requirements for planned developments shall be set forth in the district for which review pursuant to this Section 404 is sought. The procedures for planned developments shall be as specified in this Section and in Section 403 and in Section 406. Compliance with these requirements shall not be construed to relieve the applicant from compliance with the subdivision code or any other applicable ordinances of the Town.

### **Section 404.2    Preliminary Development Plan.**

- a) Prior to submitting an application for planned development approval, an applicant must first submit ten (10) copies of a Preliminary Development Plan to the Town Clerk for the entire tract or parcel of land involved, with appropriate representation signed by all of the owners of the property included. Upon receipt of the submission, the Town Clerk shall set the submission for a public hearing at a meeting of the Town Council to be held for such purposes after the project has received environmental clearance. Notice of such hearing shall be given in the same manner as provided in Section 406.
- b) Any Preliminary Development Plan shall be prepared and endorsed by a licensed architect or a registered building designer and/or a registered landscape architect. The Preliminary Development Plan shall be submitted in ten (10) copies and shall include the following information presented in a general schematic fashion:
  - 1) Proposed land uses, including general location of structures, number of dwelling units, and general configuration of parcels;
  - 2) Proposed circulation pattern, indicating street, pedestrian and bicycle facilities, and off-street parking and loading areas;
  - 3) Proposed dedications for public use, including open spaces, parks, playgrounds, and school sites;
  - 4) A tabulation of the land area to be devoted to various uses, including open spaces, and a calculation of the average density per net acre and per gross acre;
  - 5) A market analysis of proposed commercial uses;
  - 6) Delineation of the units to be constructed in progression, if any;

- 7) Relation to future land use in surrounding areas and the General Plan;
  - 8) A written statement explaining how major site development problems such as flooding, access, seismic hazards, if there are any, will be mitigated;
  - 9) Such additional information as may be required by the Town Council.
- c) After review of any Preliminary Development Plan, the Town Council may approve said Preliminary Development Plan as submitted or may modify, alter, adjust or amend the Preliminary Development Plan and may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this ordinance. Such approval, if any, shall not be construed as an endorsement of any uses proposed or the precise location of uses or configurations of parcels.

#### Section 404.3 Master Development Plan

- a) Within one year after the approval of the Preliminary Development Plan, the applicant shall submit an application for planned development approval together with ten (10) copies of an application for approval of a Master Development Plan for a portion of or the entire area of said Preliminary Development Plan, to the Town Clerk. No development and/or land improvement and/or building construction or tentative subdivision map shall commence or be approved until the Town Council has approved said Master Development Plan. Approval of the Master Development Plan as submitted, or as modified, altered, or amended shall constitute approval of the application for planned development review as modified altered or amended by approval of the Master Development Plan and only to the extent said application for planned development review includes the Master Development Plan as approved, modified, altered or amended.
- 1) A map of the survey of the property plus 100 feet surrounding the property showing existing features, including trees, structures, streets, easements, utility lines, land uses, and ownerships.
  - 2) A map of the proposed Master Development Plan which shall be in conformance with the approved Preliminary Development Plan showing buildings, are a utilizations (including location and dimension of the public or semi-public areas such as open spaces, parks playgrounds, and parking areas), automobile and bicycle traffic and pedestrian circulation; location, widths, grades, and types of improvements proposed for all streets, bicycle facilities, parking areas, driveways, walkways, trails, utilities, drainage

facilities, and other public improvements; building heights and dimensions of space between buildings and distances from property lines and rights-of-way; type and locations of landscaping; and grading.

- 3) A map showing division of the land for the sale of individual property, if any (a tentative subdivision map can be substituted in lieu hereof).
  - 4) A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of total number of acres in the proposed project and percent thereof designated for various uses; the number of dwelling units proposed by type of dwelling for each unit of development; estimated residential population; proposed retail sales area and economic justification; anticipated timing for each unit; and a statement setting forth a program for installation and continued maintenance of parking areas, lighting, courts, public and private grounds, landscaping, streets, utilities, parks, playgrounds, or public or semi-public community buildings and facilities including copies of legal documents for dedication or reservation for group or private open space, or for the creation of non-profit homeowners' associations.
  - 5) Such additional information as may be required by the Town Council.
- b) Upon receipt of said applications, the Town Clerk shall set the applications for a public hearing at a meeting of the Town Council to be held for such purposes not more than one month thereafter. Notice of such hearing shall be given in the same manner as provided in Section 406.
  - c) After review of the Master Development Plan, the Town Council may approve said Master Development Plan as submitted or may modify, alter adjust or amend the plan before authorization, and in authorizing it may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this ordinance. The development as authorized shall be subject to all conditions so imposed and shall be excepted from other provisions of this ordinance only to the extent specified in the authorization. All development within the project shall be in accordance with the approved or amended Master Development Plan. A Master Development Plan may be amended by the same procedures prescribed for the approval of such a plan.
  - d) The Town Council shall make the following findings approving any application for a Master Development Plan as submitted, or as modified, altered or amended:

- 1) That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained:
- 2) That the design of the proposed development is consistent with the goals and policies of the Yountville General Plan and with any other applicable plans or policies adopted by the Yountville Town Council, or in the process of being prepared and adopted;
- 3) That the development maintains the existing character and scale of Yountville, including building heights, scale and bulk and will be well integrated with present and potential surrounding uses;
- 4) That the existing or proposed utility services are adequate for the land uses and population densities proposed.
- 5) That the streets proposed are suitable and adequate to carry anticipated traffic, increased densities will not generate traffic in such amounts as to overload the street network outside the site, and points of ingress and egress will not substantially interfere with normal traffic flow;
- 6) That every effort has been made to preserve any trees, and archaeological sites, and to enhance views;
- 7) That open spaces have been preserved which preserve the creekside environment along Hopper Creek, buffer the visual impact of the freeway on the Town, and serve as an appropriate buffer to adjacent agricultural lands in the Agricultural Preserve;
- 8) That suitable mixtures of housing types and lot sizes have been provided;
- 9) That environmental hazards from earthquakes and floods have been adequately mitigated;
- 10) That the Town-wide Regulations for off-street parking, loading, open use, usable open space, landscaping, signs, and accessory uses have been adhered to;
- 11) That provision has been made for bicycle and pedestrian trails as indicated in the Bikeways Plan; and

- 12) That, in addition to all of the above, the overall site plan of the proposed development comprises an integrated and coherent unit and provides an attractive, useful, and convenient living and working environment.

#### Section 404.4 Modification and Termination.

- a) Minor changes to an approved Preliminary Development Plan or Master Development Plan may be accomplished either prior to approval of the Master Development Plan by the Town Council or during and prior to the development of the project subject to the prior written consent of the Planning Officer, provided the change is consistent with the purposes and conditions of the approved Master Development Plan. Minor changes shall not include changes to the land use densities heretofore established, nor the boundaries of the subject property, nor any use as shown on the approved Preliminary Development Plan or Master Development Plan, nor significant changes in location of the specific land uses. All modifications or amendments to an approved Preliminary Development Plan or Master Development Plan other than minor changes shall be processed as an amended application and shall be subject to all of the provisions of this Section 404, provided that the filing fee therefore shall be one-half the fee charged for filing an original application.
- b) An approved Preliminary Development Plan shall automatically terminate and become null and void one year after the effective date of such approval unless a Master Development Plan has been submitted prior to that expiration date. An approved Master Development Plan shall automatically terminate and become null and void two years after the effective date of such approval unless building permits for the parcel or portion thereof included within said Master Development Plan shall have been issued prior to the expiration date, in which event, the approval shall remain in effect as long as said building permits are valid and in force.

## **SECTION 405      AMENDMENTS AND REZONINGS**

Section 405.1 General. Whenever the public health, safety and general welfare warrants such action, the Town Council may by ordinance, amend, supplement, or change the regulations for zoning of property now or hereafter established by this Ordinance, provided that the Town Zoning Ordinance shall be consistent with the General Plan in accordance with State Government Code 65860. In the event the zoning ordinance becomes inconsistent with the General Plan by reason of amendment to said plan, or to any element of such plan, the zoning ordinance shall be amended within a reasonable time to remain consistent with the General Plan. The procedures for amendments and rezonings shall be as specified in this Section and in Section 406.

Section 405.2 Town Council or Zoning and Design Review Board (ZDRB). The Town Council or ZDRB, if referred by the Town Council shall hold a hearing on the application. After the hearing, the ZDRB shall submit its recommendation in written form to the Town Council. The recommendation shall include the reasons for the recommendation, relationship of the proposed ordinance or amendment to the adopted General Plan and shall be transmitted to the Town Council in the form and manner as may be specified by the Town Council.

Section 405.3 Town Council. The Town Council shall hold a hearing on the application. If referred to the ZDRB the Town Council may approve, modify or disapprove the recommendation of the ZDRB, and its decision thereon shall be final and conclusive. If the classification of any property is to be changed an ordinance shall accordingly be passed and thereupon the Planning Officer shall change the official zoning map in conformity therewith.

## SECTION 406      APPLICATIONS AND HEARINGS

Section 406.1 In any case of an amendment, conditional use, design review, planned development review or variance action described in Sections 401 through 405 of this Ordinance, the procedures for application and hearings shall be as described in this Section 406. In addition, the Planning Officer, the Zoning and Design Review Board (ZDRB) and the Town Council may from time to time establish policies, rules and regulations which further define these procedures.

### Section 406.2 Applications.

- a) Who may initiate. A variance action, a conditional use action, a design review action or a zoning change action may be initiated by application of the owner, or authorized agent for the owner, of the property affected by the proposed action. In addition, a zoning change may be initiated by motion of the Town Council on its own initiative.
- b) Where to file. Applications shall be filed in the office of the Town Clerk.
- c) Content of Applications. The content of applications shall be in accordance with the policies, rules and regulations of the Planning Officer and the Town Council. All applications shall be upon forms prescribed therefore, and shall contain or be accompanied by all information required to assure the presentation of pertinent record. The applicant may be required to file with his application the information needed for the preparation and mailing of notices as specified in Section 406.4.
- d) Verification. Each application filed by or on behalf of one or more property owners shall be verified by at least one such owner or his authorized agent attesting to the truth and correctness of all facts, statements and information presented.
- e) Filing date. The filing date of an application shall be the date on which the Town Clerk receives the last submission, plan, maps or other material required as a part of that application, unless the Planning Officer agrees in writing to an earlier filing date.
- f) Fees. Before accepting any application for filing, the Town Clerk shall charge and collect a fee as established by resolution and adopted by the Town Council as follows:
  - 1. Use Permit
  - 2. Use Permit Amendment
  - 3. Use Permit and Variance Extension

4. Exception Permit
5. Variance or Adjustment
6. Design Review
7. Design Review Extension and Amendment
8. Amendment to this Title, including Rezoning
9. Planned Development Preliminary Development Plan Approval
10. Planned Development Master Development Plan Approval
11. Planned Development Master Development Plan Amendment
12. Appeal from Decision of Planning Officer to Town Council
13. Appeal from Decision of Zoning and Design Review Board to Town Council

Section 406.3 Scheduling of Hearings. When an action for an amendment, conditional use, design review or variance has been initiated by application or otherwise, the Town Clerk shall set a time and place for a hearing thereon within a reasonable period. In the case of an application for a variance, such period shall not exceed 60 days from the date upon which the application is accepted for filing.

Section 406.4 Notice of Hearing

- a) Except as indicated in (b) below, notice of the time, place and purpose of the hearing on an action for an amendment, planned development, conditional use or variance shall be given by the Town Clerk as follows:
  1. By mail to the property owner, and to the applicant or other person or agency initiating the action if this is different than the property owner.
  2. By mail or delivery except in the case of proposed amendments to change the text of the Ordinance, not less than 10 days prior to the date of the hearing to the owners of all real property within the area that is the subject of the action and within three hundred (300) feet of all exterior boundaries of such area, using for this purpose the names and addresses of the owners as shown on the latest citywide assessment roll in the office of the Tax Collector. Failure to send notice by mail to any such property owner where the address of such owner is not shown on such assessment roll shall not invalidate any proceedings in connection with such action.
  3. By posting public notices, except in variance cases, not less than 10 days prior to the date of the hearing in at least three places along the streets abutting the real property that is the subject of the action, or in the vicinity thereof.
  4. Such other notice as the Town Clerk shall deem appropriate.

- b) In the following situations, notice hearing shall be given as indicated:
1. In the case of amendments to reclassify land on the basis of general zoning studies for one or more zoning districts, which studies either are city-wide in scope or cover a major sub-area of the city as determined by the Planning Commission, and where the total area of land so proposed for reclassification, excluding the area of public streets and alleys, is (20) acres or more, the notice given shall be as described in (a) above, except that the notice by mail need contain only the time and place of the hearing and a general description of the boundaries of the area proposed for reclassification.
  2. In the event that the number of owners to whom notice would be sent pursuant to (a) and (b)(1) above is greater than 1,000, notice shall be given at least 10 days prior to the hearing by either of the following procedures:
    - (i) by placing a display advertisement of at least one-fourth page in the area affected by the proposed ordinance or amendment and in at least one additional newspaper having general circulation within such area, if such additional newspaper is available; or
    - (ii) by placing an insert with any generalized mailing sent by the Town to property owners in the area affected by the proposed ordinance or amendment, such as billings for city services. Such advertisement or mailing insert shall specify the type and magnitude of the changes proposed, the place where copies of the proposed changes may be obtained, the time, date and place of the hearing, and the right to appear and be heard.

#### Section 406.5 Conduct of Hearings.

- a) Reports and Recommendations. In all actions for amendments, conditional uses, or planned developments the Planning Officer shall make necessary investigations and studies and submit his findings together with his report and recommendation at the hearing of the ZDRB or Town Council.
- b) Record. A record shall be kept of the pertinent information presented at the hearing on any action for an amendment, conditional use or variance, and such record shall be maintained as part of the permanent public records of the town. a verbatim record may be made if permitted or ordered by the ZDRB or Town Council in the case of actions for amendments or conditional uses.

- c) Continuations. The ZDRB in the case of actions for amendments, variance, or conditional uses shall determine the instances in which cases scheduled for hearing may be continued or taken under advisement. In such cases, new notice need not be given of the further hearing date, provided such date is announced at the scheduled hearing.
- d) Decisions. The decision of the ZDRB or the Planning Officer shall be in accordance with the provisions of each type of case in Sections 401 through 405. In the case of variances, the decision of the ZDRB shall, unless deferred upon the request or consent of the applicant, be rendered within 60 days from the date of conclusion of the hearing. Failure of the ZDRB to act within the prescribed time shall entitle the applicant to cause the matter to be placed before the Town Council for decision at its next following regular meeting. In the case of actions for variances, amendments or conditional uses, the decision of the ZDRB shall be rendered within 90 days from the date of conclusion of the hearing; failure of the Board to act within the prescribed time shall be deemed to constitute disapproval.

Section 406.6 Reconsideration. Whenever any application for an amendment, conditional use or variance, or any part thereof, has been disapproved by the ZDRB or by the Town Council, no application proposing an amendment, conditional use or variance, the same or substantially the same as that which was disapproved, shall be resubmitted to or reconsidered by the ZDRB or Town Council within a period of one year from the effective date of final action upon the earlier application.

Section 406.7 Other Powers and Duties of Planning Officer. In addition to those powers and duties specified in Sections 401 through 405, the Planning Officer shall, consistent with the expressed standards, purposes and intent of this Ordinance and pursuant to its objectives, issue and adopt such rules, regulations and interpretations as are in his opinion necessary to administer and enforce the provisions of this Ordinance. Such rules, regulations and interpretations shall be in writing and made part of the permanent public records of the Town. In addition, the Planning Officer and all other department officials and employees of the Town shall cooperate with one another to insure the proper administration of this Ordinance and of the rules, regulations and interpretations relative thereto, and the Planning Officer shall furnish such information to such departments, officers and employees as will achieve the purposes of this Section 406.

#### Section 406.8 Effective Date

- a) The decision of the Planning Officer, ZDRB or Town Council, whichever is the appropriate review authority, to approve an application for conditional use, variance, planned development or design review, shall become effective ten (10) working days following the date of the appropriate review authority's decision, unless a valid appeal has been filed.

- b) The decision of the Town Council to approve an application for amendment shall become effective 30 days following the date of decision, unless a valid appeal has been filed.

## SECTION 407 APPEALS

Section 407.1 Applicability. In the case of any variance, conditional use or design review action described in Section 401 through 403 of this Ordinance and in the case of any order, requirement, decision or other determination the procedures for appeals shall be as described in this Section 407.

Section 407.2 Administrative Actions Appealable. Any person agrieved by any detemination, interpretation, decision, decree, judgement, or similar action taken by the Planning Officer under the provisions of the zoning ordinance, may appeal such action to the Town Council.

Section 407.3 Zoning and Design Review Board Action Appealable. Actions or determinations of the ZDRB may be appealed to the Town Council.

Section 407.4 Filing Requirements. Appeals shall be addressed to the appellate body, in writing, and shall state the basis of the appeal. Appeals shall be filed in the office of the Town Clerk not later than five o'clock p.m. of the tenth working day following thae date of the action from which an appeal is taken. Appeals shall be accompanied by the filing fee as specified in Section 406.

Section 407.5 Stay of Proceedings. An action of the ZDRB so appealed by the Town Council in accordance with this Section.

Section 407.6 Notice of Hearings. The notice and conduct of hearings by the appellate body shall be governed by the provisions of Section 406 hereof, and shall conform to the manner in which the original notice was given and the original hearings were conducted.

Section 407.7 Time Limitation and Vote - Town Council. The Town Council shall determine an appeal no later than the fourth regular meeting following the date on which the appeal was filed in its office. The action, or appellate determination, from which an appeal is taken may be reversed or modified only upon an affirmative vote of a majortiy of the authorized membership of said Council.

Section 407.8 Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall sustain the action, or the appellate determination, being appealed.

Section 407.9 Exhaustion of Remedy. All rights of appeal are exhausted when the proceedings set forth herein have been consummated.

Section 407.10 Conditions and Findings. The appellate body in acting upon an appeal pursuant to the provisions of this Section may impose or prescribe conditions in its resolution as are in its opinion necessary to serve the objectives of this Ordinance, and shall make a written determination of its decision together with its findings, as required by law, this Ordinance, or otherwise, supporting said determination on the appeal.

## **SECTION 408      CERTIFICATION OF USE AND OCCUPANCY**

Section 408.1 Permit Required. No vacant land in any district established under the provisions of this title shall hereafter be occupied or used except for agricultural purposes, and no building hereafter erected, structurally altered or moved into or within any such district shall be occupied until a certificate of use and occupancy shall have been issued therefore by the building official in the manner provided in the building code.

Section 408.2 Residential Uses. No such certificate shall be required for residential uses and buildings permitted in an R-1 district or for permitted residential uses and buildings in the LDR, MDR and HDR districts, except for home occupations.

Section 408.3 Application. Application for a required certificate of use and occupancy for a new or change in use of land, for a new building, of a change in ownership, or for an existing building which as been altered or moved shall be made to the building official before any such land or building shall be so occupied or used. No permit for excavation for any building shall be issued before application has been made for a certificate of use and occupancy.

Section 408.4 Issuance. A certificate of use and occupancy shall be issued within three days after:

- a) Written notice that the premises are ready for occupancy or use.
- b) Inspection indicates that the building or use is in conformity with this Ordinance and other regulations.



SECTION 409      ADOPTION

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Yountville held on March 25, 1986.

Adopted and ordered posted at a special meeting of the Town Council of the Town of Yountville held on April 1, 1986, by the following vote.

AYES:    HARRIS, LEFTWICH, WINTER, NELSON

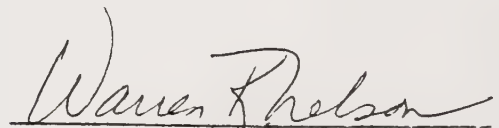
NOES:    NONE

ABSENT: NONE

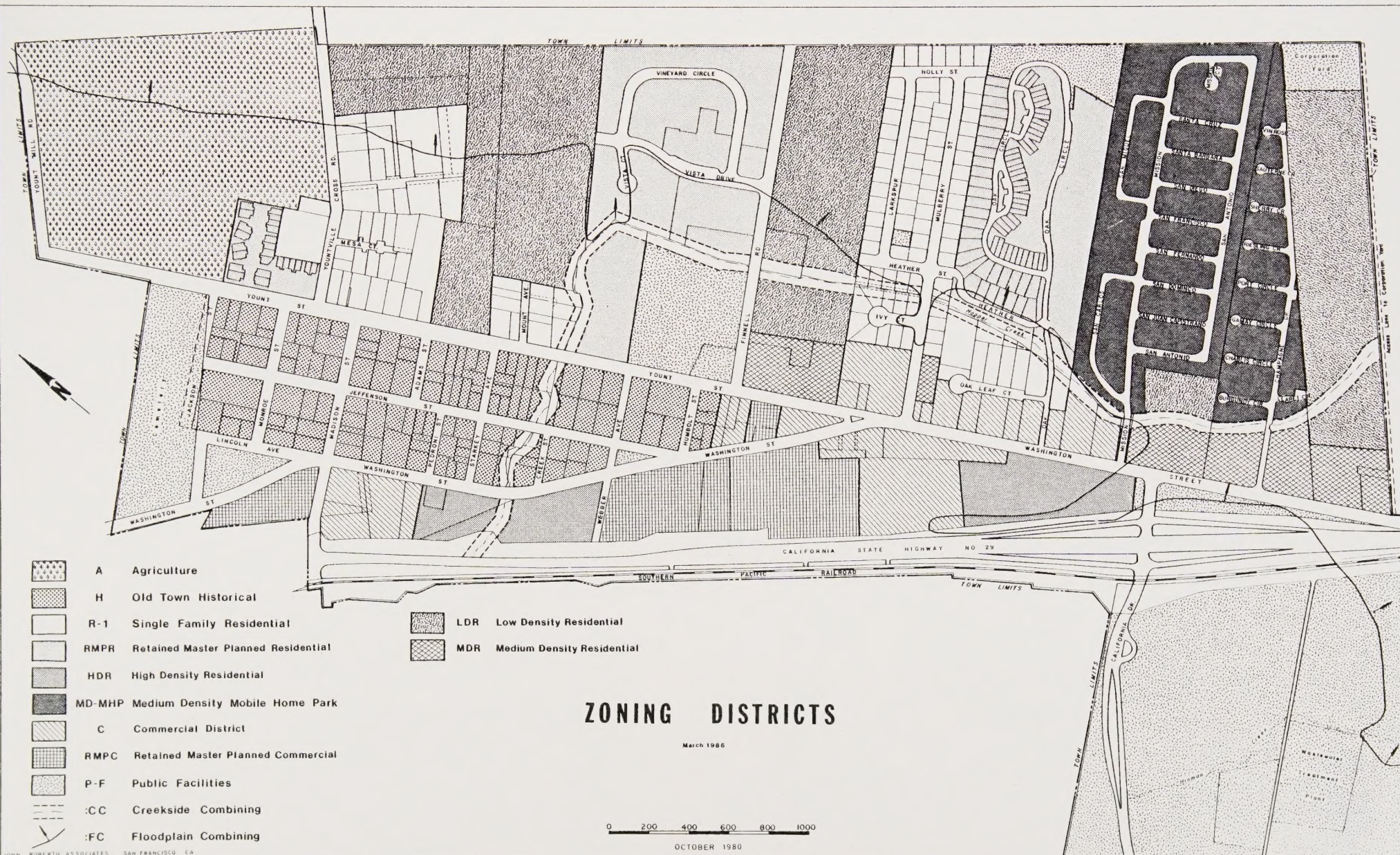
VACANCY IN OFFICE:    ONE

ATTEST:

  
\_\_\_\_\_  
TOWN CLERK

  
\_\_\_\_\_  
MAYOR





# **TOWN OF YOUNTVILLE** NAPA COUNTY, CALIFORNIA

Date	Revision	By
9/6/81	Update Plan to Base	jet
6/22/81	P. 36-026-19-01 map new	jet



U.C. BERKELEY LIBRARIES



C124885541

